

No. 94-197

Supreme Court, U.S.
FILED

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OFFICE OF THE CLERK

In The
Supreme Court of the United States

October Term, 1994

ELOISE ANDERSON, *et al.*,

Petitioners,

vs.

DESHAWN GREEN, *et al.*,

Respondents.

ON WRIT OF CERTIORARI TO THE UNITED STATES
COURT OF APPEALS FOR THE NINTH CIRCUIT

JOINT APPENDIX

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Petition For Certiorari Filed July 28, 1994
Certiorari Granted October 7, 1994

128 pp

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¹ Omissions from the text of documents reprinted in part are indicated by asterisks or, in some instances, bracketed notations. All certificates of service have been omitted in printing. For the sake of brevity, subscriptions by counsel and other formal matters have been omitted wherever possible.

² Citations are to the Clerk's Record in the District Court which are the same as those in Appellees' Supplemental Excerpts of Record, Volumes I (CR 69) and II (CR 10, 35, 37), filed in the Ninth Circuit on June 18, 1993.

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Docket Entries

IN THE UNITED STATES COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DESHAWN GREEN, DEBBY
VENTURELLA, and DIANA P.
BERTOLLT, on behalf of themselves
and all others similarly situated,

Plaintiffs,

Civ. S-92-2118

v.

ELOISE ANDERSON,
CALIFORNIA DEPARTMENT OF
SOCIAL SERVICES,
THOMAS HAYES,

Defendants.

DATE	NR.	PROCEEDINGS
12/21/92	1	MOTION to proceed in forma pauperis by plaintiff Deshawn Green (kh) [Edit date 12/22/92]
12/21/92	2	MOTION to proceed in forma pauperis by plaintiff Debby Venturella (kh) [Edit date 12/22/92]
12/21/92	3	MOTION to proceed in forma pauperis by plaintiff Diana Bertolt [sic] (kh)
12/21/92	4	ORDER by Senior Judge Milton L. Schwartz ORDERING the motions to proceed in forma pauperis by plaintiff Deshawn Green [1-1], by plaintiff Debby Venturella [2-1], by plaintiff Diana Bertolt [3-1] are GRANTED, and FURTHER ORDERING the USM

DATE NR. PROCEEDINGS

are directed to serve the summons and complaint on defendants without prepayment of costs within 14 days of the date of this order or notify court (cc: all counsel) (kh)

12/21/92 6 COMPLAINT before Honorable David F. Levi referred to Magistrate John F. Moulds Summons issued fee status ifp; Receipt # n/a; Notice re: Consent forms (jy) [Entry date 12/23/02]

12/21/92 7 MOTION by plaintiffs for a TRO for temporary restraining order by pltfs to be heard by MLS (jy) [Entry date 12/23/92]

12/21/92 8 MEMORANDUM by plaintiff in support of motion for temporary restraining order by pltfs [7-1] (jy) [Entry date 12/23/92]

12/21/92 - LODGED order by pltfs granting TRO and preliminary injunction (jy) [Entry date 12/23/92]

12/21/92 9 PROOF OF SERVICE by plaintiffs of motion for temporary restraining order by pltfs [7-1] (jy) [Entry date 12/23/92]

12/21/92 10 MEMORANDUM by defendants in opposition to motion for temporary restraining order by pltfs [7-1]; REQUEST for immediate certification as a class action (jy) [Entry date 12/23/92]

12/21/92 11 DECLARATION of Theodore Garelis in support of defts' memorandum [10-1] (jy) [Entry date 12/23/92]

DATE NR. PROCEEDINGS

12/21/92 14 NOTICE OF MOTION AND MOTION by plaintiffs for provisiional [sic] class certification by pltfs no hrg date set (jy) [Entry date 12/23/92]

12/21/92 15 MEMORANDUM by plaintiff in support of motion for provisional class certification by pltfs [14-1] (jy) [Entry date 12/23/92]

12/21/92 - LODGED order by pltfs granting the motion for provisiional [sic] class certification (jy) [Entry date 12/23/92]

12/21/92 16 ORDER setting scheduling conference for 11:45 on 2/5/93 before Honorable David F. Levi (cc: all counsel) (jy) [Entry date 12/23/92]

12/21/92 69 EXHIBITS by pltfs in support of the application for a TRO and motion for preliminary injunction (lodged document lodged 12/21/92) (jy) [Entry date 05/24/93]

12/22/92 5 RESPONSE by plaintiffs to the opposition to the TRO filed by the state (jy)

12/22/92 12 ORDER by Senior Judge Milton L. Schwartz GRANTING the motion for temporary restraining order by pltfs [7-1] (cc: all counsel) (jy) [Entry date 12/23/92]

12/22/92 13 ORDER by Senior Judge Milton L. Schwartz GRANTING plaintiffs' proposed order for preliminary injunction; SETTING hearing before DFL on 1/7/93 at 2:00 to show cause why defts should not be enjoined and restrained during the pendency of this

DATE	NR.	PROCEEDINGS
		action from denying full AFDC benefits (cc: all counsel) (jy) [Entry date 12/23/92]
12/23/92	17	ORDER by Senior Judge Milton L Schwartz ORDERING the TRO issued on 12/22/92 shall be EXTENDED and CONTINUED in full force and effect as to all of the terms thereof to and including the day of 1/11/93 at 5:00pm unless sooner terminated by the court (cc: all counsel) (kh)
12/23/92	18	RETURN OF SERVICE of the summons and complaint executed upon defendant CA Dept of Social on 12/23/92 (jy)
12/23/92	19	RETURN OF SERVICE of the summons and complaint executed on Robert Campbell, agent, on 12/23/92 (jy)
12/23/92	20	RETURN OF SERVICE of the summons and complaint executed on the Dept of Finance at the State Capitol on 12/23/92 (jy)
12/23/92	21	LETTER to court from plaintiffs' counsel Legal Aid Foundation of Los Angeles re REQUEST to shorten time for the reasons stated in the related case memorandum with CIVS 92-2135 EJG PAN (jy) [Entry date 12/28/92]
12/23/92	22	NOTICE by plaintiff of related case(s) CIVS 92-2135 DFL PAN (jy) [Entry date 12/28/92]
1/4/93	23	ORDER by Honorable David F Levi ORDERING the court requests USA to file an amicus curiae brief addressing the constitutionality [sic] of their

DATE	NR.	PROCEEDINGS
		waiver provision by 12:00pm on 1/29/93, should the parties wish to respond, replies are due by 12:00pm on 1/26/93 (cc: all counsel) (kh) [Entry date 01/05/93]
1/4/93	-	LODGED request by defts setting deadlines for the motion for preliminary injunction on 1/7/93 (jy) [Entry date 01/05/93]
1/4/93	-	LODGED stipulation to continue hearing on plaintiffs' motion for preliminary injunction (jy) [Entry date 01/05/93]
1/7/93	24	STIPULATION and ORDER by Honorable David F Levi ORDERING the order continuing hearing dates will be entered by the court (cc: all counsel) (kh)
1/7/93	25	ORDER by Honorable David F Levi ORDERING plaintiffs' motion hearing on motion for preliminary injunction is CONTINUED to 1/29/93 at 2:00pm before DFL, defendants reply due by 1/14/93, plaintiff's reply by 1/22/93, TRO to remain in full force and effect (cc: all counsel) (kh)
1/7/93	26	ORDER by Honorable Lawrence K Karlton ORDERING this case is CONSOLIDATED with member cases 2:92-cv-2135 EJG PAN, that action to be REASSIGNED to DFL and JFM, all dates in the REASSIGNED action ONLY are VACATED and a Status Conference in that case is SET for 3/5/93 at 9:15 am before DFL (cc: all counsel) (kh) [Entry date 01/11/93]

DATE	NR.	PROCEEDINGS
1/11/93	27	ANSWER by defendant Thomas Hayes in 2:92-cv-02118, defendant CA Dept of Social in 2:92-cv-02118, defendant Eloise Anderson in 2:92-cv-02118 (kh) [Entry date 01/14/93]
1/14/93	28	NOTICE by defendants of NON-OPPOSITION in 2:92-cv-02118 to pltf's request for provisional class certification (jy) [Entry date 01/20/93]
1/14/93	29	MEMORANDUM by defendants IN OPPOSITION TO the pltf's request for a preliminary injunction (jy) [Entry date 01/20/93]
1/21/93	30	APPLICATION by amicus curiae Coalition of Homelessness of San Francisco to file its memorandum of points and authorities [sic] and accompanying declaration of Michael Wald as amicus curiae IN SUPPORT OF the pltfs' motion for preliminary injunction (jy) [Entry date 01/25/93]
1/22/93	31	PRO HAC APPLICATION of counsel Martha Davis by amicus curiae Coalition of Homelessness of San Francisco; fee status paid (jy) [Entry date 01/25/93]
1/22/93	-	LODGED order granting the pro hac vice application of Martha Davis (jy) [Entry date 01/25/93]
1/22/93	-	LODGED order granting leave to file brief of amici curiae (jy) [Entry date 01/25/93]
1/22/93	32	APPLICATION by amicus curiae NOW Legal Defense for leave to file brief of amicus curiae (jy) [Entry date 01/25/93]

DATE	NR.	PROCEEDINGS
1/22/93	33	PROOF OF SERVICE by amicus NOW Legal Defense in 2:92-cv-02118 of application [32-1] (jy) [Entry date 01/25/93]
1/22/93	34	REPLY MEMORANDUM by plaintiffs IN SUPPORT OF the motion for preliminary injunction (jy) [Entry date 01/25/93]
1/22/93	35	SUPPLEMENTAL EXHIBITS in support of the motion for preliminary injunction (jy) [Entry date 01/25/93]
1/25/93	36	LETTER to court from amicus USA DECLINING to file an amicus brief at this time due to the recent change in administration and evincing a desire to consider filing a brief at a later stage of the proceedings (kh) [Entry date 01/26/93]
1/26/93	37	DECLARATION of Frances Fox Piven in SUPPORT of plaintiff's motion for preliminary injunction (kh) [Entry date 01/27/93]
1/26/93	38	PROOF OF PERSONAL SERVICE by plaintiffs of declaration [37-1] (kh) [Entry date 01/27/93]
1/26/93	39	PROOF OF SERVICE by plaintiff in 2:92-cv-02118 of declaration [37-1] (kh) [Entry date 01/27/93]
1/27/93	-	LODGED order granting the motion to amend the provisional class certification by plfts (jy) [Entry date 01/28/93]
1/27/93	41	NOTICE OF MOTION AND MOTION by plaintiff to amend the provisional class certification by plfts hrg 3/12/93

DATE	NR.	PROCEEDINGS
		at 9:00 ctrm 3 DFL (jy) [Entry date 01/28/93]
1/27/93	42	MEMORANDUM by plaintiffs IN SUPPORT OF THE motion to amend the provisional class certification by pltfs [41-1] (jy) [Entry date 01/28/93]
1/27/93	43	NOTICE OF MOTION AND MOTION by plaintiffs to amend the complaint by pltfs hrg 3/12/93 at 9:00 ctrm 3 DFL (jy) [Entry date 01/28/93]
1/27/93	44	MEMORANDUM by plaintiffs IN SUPPORT OF the motion to amend the complaint by pltfs [43-1] (jy) [Entry date 01/28/93]
1/27/93	45	AMENDED COMPLAINT [6-1] by plaintiffs (jy) [Entry date 01/28/93]
1/27/93	-	LODGED pltfs' order granting the motion to amend the complaint (jy) [Entry date 01/28/93]
1/28/93	40	MEMORANDUM OF DECISION AND ORDER by Honorable David F Levi ORDERING plaintiffs demonstrate that they face the possibility of irreparable injury if the injunction is not issued, all plaintiffs have been unable to locate housing in California that is affordable to them on the reduced AFDC payment, Plaintiff's motion for a preliminary injunction is GRANTED and the court ORDERS: 1) pending judgment in this action, defendants and their agents, assignees and successors in interest are enjoined from implementing a) California Welfare and Institutions Code Sec 11450.03 b) regulations promulgated

DATE	NR.	PROCEEDINGS
		pursuant to Sec 11450.03, All, including but not limited to MPP EAS Sec 89-402.4, c) All County Letter 92-98 and All County Information Notice I-54-92 to the extent that the ACL or ACIN deny standard [sic] CA AFDC benefits to members fo [sic] the plaintiff [sic] class or determine an AFDC benefit in whole or in part by reference to the AFDC grant in any other state or territory (2) Within 10 calendar days of the issuance of this order, defendants shall issue an ACL notifying the counties and Co Welfare directors of this order, and instruct them to stop implementation [sic] of the policy enjoined by this order, defendants shall provide plaintiffs [sic] counsel with a copy of the ACL and 3) plaintiff [sic] will be permitted to proceed in this matter without posting a bond or any other security (cc: all counsel) (kh) [Edit date 02/02/93]
1/28/93	46	MINUTES of the pltf's motion for a preliminary injunction; GRANTED by the court; order to be prepared (jy) [Entry date 01/29/93]
1/28/93	47	ORDER by Honorable David F Levi ORDERING the Coalition on Homelessness of San Francisco is GRANTED leave to file a brief as amicus curiae, in SUPPORT of plaintiff's motion for preliminary injunction (cc: all counsel) (kh) [Entry date 01/29/93]

DATE	NR.	PROCEEDINGS
1/29/93	48	ORDER by Honorable David F Levi ORDERING attorney Martha F Davis is ADMITTED to practice [sic] before this court PRO HAC VICE (cc: all counsel) (kh)
1/29/93	49	ORDER by Honorable David F Levi GRANTING motion for provisional class certification by pltfs [14-1] ORDERING plaintiffs shall provisionally maintain this matter as a class action on behalf of a class consisting of applicants and recipients of AFDC who have applied [sic] or will apply for benefits on or after 12/1/92 and who have not resided in CA for [sic] 12 consecutive months immediately preceding their application for aid (cc: all counsel) (kh)
1/29/93	50	ORDER by Honorable David F Levi ORDERING NOW Legal Defense Education Fund and Equeal [sic] Rights Advocates are GRANTED leave to file a brief as amici curiae (cc: all counsel) (kh)
1/92/93	51	JOINT STATUS REPORT by defendants and plaintiffs (kh) [Entry date 02/03/93]
2/4/93	52	NOTICE OF APPEAL by defendant Thomas Hayes, defendant CA Dept of Social, and defendant Eloise Anderson from Dist Court decision granting a preliminary injunction on 1/28/93 fee status: paid/ receipt 142998) (jy) [Entry date 02/08/93]

DATE	NR.	PROCEEDINGS
2/11/93	53	MAILED case information/docket fee payment notice, copy of Notice of Appeal, copy of the memorandum of decision and order [40-1], and a copy of the docket sheet to the 9th Circuit Court of Appeals and all counsel (jy)
2/12/93	54	STATEMENT by defendant in 2:92-cv-02118 of issue on appeal [52-1] (jy) [Entry date 02/16/93]
2/12/93	55	TRANSCRIPT DESIGNATION and Ordering Form for dates: NO DATES REQUESTED (jy) [Entry date 02/16/93]
2/16/93	56	CERTIFICATE of Record and docket sheet transmitted to the USCA and all counsel (jy)
2/25/93	57	MEMORANDUM by defendants IN OPPOSITION TO the motion to amend the complaint by pltfs [43-1] (jy) [Entry date 03/01/93]
2/25/93	58	MEMORANDUM by defendant in opposition to motion to amend the provisional class certification by pltfs [41-1] (jy) [Entry date 03/01/93]
3/3/93	59	ORDER (TENTATIVE [sic] - to be FINAL 3/5/93 at 12:00pm) by Honorable David F Levi ORDERING the motion to amend the complaint by pltfs [43-1] AND motion to amend the provisional class certification by pltfs [41-1] are DENIED without prejudice to renewal once the 9th Circuit issues its decision (cc: all counsel) (kh)

DATE	NR.	PROCEEDINGS
3/8/93	60	MINUTE ORDER ORDERING a hearing on motion to amend the complaint by pltfs [43-1] and motion to amend the provisional class certification by pltfs [41-1] is SET for 4/23/93 at 9:00am in ctrm 3 and RE supplemental briefing (cc: all counsel) (kh)
3/26/93	61	REPLY MEMORANDUM IN SUPPORT by plaintiff in response to motion to amend the provisional class certification by pltfs [41-1] (1c) [Entry date 03/29/93]
3/26/93	62	REPLY MEMORANDUM IN SUPPORT by plaintiff in response to motion to amend the complaint by pltfs [43-1] (1c) [Entry date 03/29/93]
3/26/93	63	SUPPLEMENTAL memorandum by plaintiff to motion to amend the complaint by pltfs [43-1], to motion to amend the provisional class certification by pltfs [41-1] set for 4/23/93 at 9:00am before DFL (1c) [Entry date 03/29/93]
4/8/93	64	MEMORANDUM by defendants IN OPPOSITION TO the motion to amend the complaint by pltfs [43-1] and IN OPPOSITION TO the motion to amend the provisional class certification by pltfs [41-1] (jy) [Entry date 04/13/93]
4/16/93	65	MEMORANDUM by plaintiff Diana Bertolt [sic], plaintiff Debby Venturella, plaintiff Deshawn Green in support of motion amend the complaint by pltfs [43-1] (1c)

DATE	NR.	PROCEEDINGS
4/16/93	66	NOTICE OF ERRATA by plaintiff (1c)
4/23/93	68	MINUTES of motion hearing before Honorable David F Levi; motion to amend the complaint by pltfs [43-1] is submitted, and motion to amend the provisional class certification by pltfs [41-1] is submitted; order to be prepared by court C/R: C Miller (1c) [Entry date 04/26/93]
4/26/93	67	ORDER by Honorable David F Levi DENYING motion to amend the complaint by pltfs [43-1] and DENYING motion to amend the provisional class certification by pltfs [41-1] (cc: all counsel) (1c)
7/1/93	70	MEMORANDUM OF DECISION AND ORDER by Honorable David F Levi GRANTING motion to dismiss certain claims of pltf's complaint by federal defts [29-1] in 2:92-cv-02135; DENYING motion for a preliminary injunction by pltfs [26-1] in 2:92-cv-02135 (cc: all counsel) (lg) [Entry date 07/02/93]
5/24/94	71	CERTIFIED COPY of Appellate Court Order: AFFIRMING judgment of said District Court (ab)

Docket Entries

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

DESHAWN GREEN, DEBBY VENTURELLA, and DIANA P. BERTOLLY, on behalf of themselves and all others situated,)	
Plaintiffs-Appellees,)	
v.)	No. 93-15306
ELOISE ANDERSON, individually and in her official capacity as Director, California Department of Social Services; CALIFORNIA DEPARTMENT OF SOCIAL SERVICES; and THOMAS HAYES, Director, California Department of Finance,)	
Defendants-Appellants.)	

DATE

FILINGS-PROCEEDINGS

2/19/93 DOCKETED CAUSE AND ENTERED
APPEARANCES OF COUNSEL. CADS
SENT (Y/N): y. setting schedule as follows:
CADS due 3/5/93 for Theodore Garelis;
appellant's designation of RT is due
2/16/93; appellee's designation of RT is
due 2/24/93,, ; appellant shall order
transcript by 3/8/93; court reporter shall
file transcript in DC by 4/6/93, ; certificate
of record shall be filed by 4/13/93;
appellant's opening brief is due 5/24/93;

DATE

FILINGS-PROCEEDINGS

appellees' brief is due 6/22/93,, ;
appellants' reply brief is due 7/6/93;
[93-15306] (rei)

2/19/93 Filed certificate of record on appeal RT
filed in DC N/T [93-15306] (ot)

2/19/93 Received Appellant Eloise Anderson notice
of non-dsgn. of reporter's transcript.
CASEFILE [93-15306] (ot)

2/26/93 Copy complimentary DC motion received
from the defendants "Memorandum of
Points and Authhorities [sic] in Oppposition
[sic] to Motion to Amend the Complaint"
CASEFILE [93-15306] (ot)

3/4/93 Filed attorney Dennis Eckart for Appellant
Civil Appeals Docketing Statement served
on 3/2/93 (to CONFATT) [93-15306]
[93-15306] (ot)

3/22/93 Case released from Pre-Briefing Conference
program. (jr)

5/24/93 Filed original and 15 copies Appellant
Eloise Anderson's opening brief (Informal:
no) 21 pages; 5 excerpts of record (1 Exc.
vol); served on 5/21/93 (minor defcy: No
Statement of Related Cases) Notified
counsel. minor brief deficiency response
due 6/9/93; [93-15306] (ot)

5/24/93 Filed U S Justice Fd's motion to become
amicus curiae, served on 5/20/93 [WIP-
PROMO] [93-15306] (ot)

5/24/93 Received Amicus U S Justice Fd's brief in
15 copies of 19 pages; deficient: motion to
file pending with PROMO; served on
5/20/93. [93-15306] (ot)

DATE	FILINGS-PROCEEDINGS
6/2/93	Filed order (Deputy Clerk: cag) The U S Justice Foundation's motion for leave to file amici curiae, the previously rcv amicus brief and any response thereto shall be referred to the merits panel. [93-15306] (ot)
6/8/93	Received appellant Anderson's satisfaction of (minor) brief deficiency. Orig. & 15 copies of the Statment [sic] of Related Cases and a new Table of Contents to reflect the statement of related cases. RECORDS [93-15306] (ot)
6/18/93	Filed original and 15 copies Appellees' Deshawn Green, Debb [sic] Venturella, Diana Bertolt [sic] brief, 47 pages, with an Appendix and 5 Supple Exc. 2 vols: served on 6/18/93 minor defcy: no Statement of Related Cases Notified counsel. appellants' reply brief due 7/6/93; minor brief deficiency response due 7/6/93. record on appeal due 7/6/93; (ot)
6/22/93	Received Amicus Coalition Homeless's brief in 15 copies of 06 pages; deficient: motion needed to file; served on 6/22/93 [93-15306] (ot)
6/23/93	Received Appellees' Deshawn Green, et al. satisfaction of (minor) brief deficiency. Orig & 15 copies of the Statement of Related Cases. RECORDS [93-15306] (ot)
6/24/93	Filed original and 15 copies NOW Legal Defense's brief of 16 pages; served on 6/22/93 [93-15306] (ot)
6/28/93	Filed order: (Deputy Clerk: cag) Coalition on Homelessness of San Francisco's submission is construed as a motion for leave to file an amicus curiae brief.

DATE	FILINGS-PROCEEDINGS
	Construed as such, the motion and any opposition thereto shall be referred to the merits panel. (Motion recvd 06/22/93) [93-15306] (ot)
6/29/93	14 day oral extension by phone of time to file Appellant's reply brief. [93-15306] appellants' reply brief due 7/20/93; (mag)
7/6/93	Filed order (Deputy Clerk: cag) The Coalition on Homelessness of San Francisco (the "Coalition") has provided the court with written consent from both aplts and aples' to file amicus curiae in support of aples'. On its own motion, the court vacates the Jun 28, 1993 clerk's order. The Coalition's amicus curiae brief previously submitted to the merits panel, shall be filed. [93-15306] (ot)
7/6/93	Filed original and 15 copies Amicus Curiae Coalition homeless's brief of 06 pages; served on 6/22/93 [93-15306] (ot)
7/13/93	Filed Deshawn Green, Debby Venturella, Diana Bertolt [sic] additional citations, served on 7/12/93 RECORDS [93-15306] (ot)
7/19/93	Filed original and 15 copies Eloise Anderson reply brief, (Informal: no) 10 pages; served on 7/16/93 [93-15306] (ot)
8/17/93	Received aples' Diana Bertolt [sic], Debby Venturella, Deshawn Green additional citations, served on 8/16/93 RECORDS [93-15306] (ot)
1/28/93	Calendar check performed [93-15306] (mw)
2/13/94	Calendar materials being prepared. [93-15306] [93-15306] (aw)

DATE	FILINGS-PROCEEDINGS
2/15/94	CALENDARED: SAN FRAN Apr 13 1994 9:00 am Courtroom 3 [93-15306] (aw)
3/17/94	Received Aples' Deshawn Green, Debby Venturella, Diana Bertolt [sic] additional citations, served on 3/16/94 PANEL [93-15306] (ot)
4/13/94	ARGUED AND SUBMITTED TO Alfred T. GOODWIN, William A. NORRIS & Diarmuid F. O'SCANNLAIN; Circuit Judges. [93-15306] (jr)
4/29/94	Order filed AFFIRMED (Terminated on the Merits after Oral Hearing; Affirmed; Written, Unsigned, Unpublished. Alfred T. GOODWIN; William A. NORRIS, author; Diarmuid F. O'SCANNLAIN.) FILED AND ENTERED JUDGMENT [93-15306] (ck)
5/23/94	MANDATE ISSUED [93-15306] (ah)
5/23/94	Filed Sarah Elizabeth Kurtz's motion to transfer consideration of costs and attys fees to the d.c., and stipulation by the other side, served on 5/18/94 PANEL (ot)
6/7/94	Filed order (Alfred T. GOODWIN, William A. NORRIS, Diarmuid F. O'SCANNLAIN): the motion to tfr consideration of costs and atty fees on appeal to the D C for the Eastrn Dist of Calif is hereby granted. [93-15306] (ot)
6/13/94	Filed order (Alfred T. GOODWIN, William A. NORRIS, Diarmuid F. O'SCANNLAIN): This Court's Order, Filed Apr 29, 1994, is hereby corrected by inserting the words "the preliminary injunction" between "AFFIRMED" and "for." The Apr 29, 1994 Order is redesignated ORDER FOR PUBLICATION, [93-15306] (ot)

DATE	FILINGS-PROCEEDINGS
8/10/94	Received notice from Supreme Court: petition for certiorari filed Supreme Court No. 94-197 filed on 7/28/94. [93-15306] (mlm)

Taxpayers Protection Act petition materials (excerpts)
(SEAL)

Governor Pete Wilson

Paid for by THE REPUBLICAN PARTY OF CALIFORNIA
1903 W. Magnolia Boulevard
Burbank CA 91506

OFFICIAL STATE OF CALIFORNIA
CONSTITUTIONAL AMENDMENT ENCLOSED

* * *

EVEN IF YOU HAVE ALREADY SIGNED A PETITION
TO PLACE MY TAXPAYERS PROTECTION ACT ON THE
BALLOT WE STILL NEED YOUR HELP.

* * *

(SEAL) GOVERNOR PETE WILSON

* * *

I have enclosed an official petition to place a constitu-
tional amendment on the November ballot which will
help prevent this disaster. It is called the Taxpayers
Protection Act.

* * *

The Taxpayers Protection Act will:

✓ **STOP** out of state welfare recipients from moving
to California just to increase their grants.

* * *

Please return your signed petition today. Our future
depends upon it. Remember, even one signature will
really help.

With greatest urgency,

/s/ Pete Wilson

Pete Wilson
Governor of California

* * *

Summary from the Secretary of State of the Government Accountability and Taxpayer Protection Act of 1992

- WELFARE • BUDGET PROCESS
- INITIATIVE CONSTITUTIONAL AMENDMENT AND STATUTE

Summary from the Secretary of State

* * *

Amends statutes to reduce certain benefits in specified welfare programs.

* * *

GOVERNMENT ACCOUNTABILITY AND TAXPAYER PROTECTION ACT OF 1992

This initiative [sic] is submitted to the people in accordance with the provisions of Article II, Section 8 of the Constitution.

This initiative measure expressly amends the Constitution by amending and adding sections thereto, amends, repeals, and adds sections to the Welfare and Institutions Code; therefore, existing provisions proposed to be deleted are printed in ~~strikeout type~~ and new provisions proposed are printed in underscore type to indicate that they are new.

PROPOSED LAW

* * *

Section 6-21 makes statutory [sic] changes to the Welfare and Institutions Code.

SECTION 6. Section 11254 of the Welfare and Institutions Code is added to read:

* * *

(c) Notwithstanding the maximum aid payments as specified in subdivision (a), families who have resided in this state for less than twelve (12) months shall be paid an amount calculated in accordance with subdivision (a), but not to exceed the maximum aid payment that could have been received from the state of prior residence.

Limits grants for families living in California less than one year. Grant levels will match levels in previous [sic] state of residence.

Potentially creates additional bureaucracy to determine eligibility and aid formulas for other states.

To determine proper benefit levels under this statute the state would have to keep track of at least 66 different grant levels in other states according to the Congressional Budget Office.

There is no evidence to support the theory that California is a welfare magnet. 85% of children receiving AFDC were born in California - while only 75% of California children are natives. (1964 report of the non-partisan Legislative Analyst).

Proposition 165 campaign materials (excerpts)

UNITED CALIFORNIA TAXPAYERS
Governor Pete Wilson, Chairman

The Budget/Welfare Reform Act of 1992

KEY PROVISIONS OF PROPOSITION 165

Proposition 165 is a proposed constitutional amendment which will be submitted to the people of California on the November 1992 ballot.

* * *

Specifically, the measure:

* * *

*** LIMITS WELFARE PAYMENTS TO NEWCOMERS -**

To reduce any incentive to come to California solely for higher welfare benefits, and to keep welfare costs under control, newcomers to California would receive the same level of grant they would have received in their home state;

* * *

[Addresses Omitted In Printing]

* * *

Key Provisions of Proposition 165:

* * *

- limits welfare payments to newcomers to prevent people from coming to California just for our welfare benefits, which are nearly twice as high as most big states;

* * *

Governor's Budget Summary 1992-93 (excerpts)

Governor's Budget Summary 1992-93

(SEAL)

Submitted by Pete Wilson
Governor
State of California

to the

California Legislature
1991-92 Regular Session

Health and Welfare

* * *

Welfare Reform

The 1992-93 Governor's Budget reflects the fact that it is critical to reform and alter the structure of expenditures in the AFDC program in order to promote personal responsibility and to control unaffordable growth. The Budget assumes implementation of the Governor's proposed AFDC initiative in 1991-92. It is assumed that the Legislature will respond to the fiscal crisis facing California and pass necessary legislation, effective March 1, 1992, to implement the proposed reform. Key elements of the reform include:

* * *

Residency Requirements. Under this proposal, the maximum AFDC payment level for a family who has resided in California for less than one year would be based upon the payment rate of the state of their previous residency. General Fund savings are estimated at \$2 million in 1991-92 and \$15 million in 1992-93.

* * *

**Memo to California Legislature
from Assemblyman Quackenbush**

**Assembly
California Legislature**

**CHARLES W. QUACKENBUSH
ASSEMBLYMAN TWENTY-SECOND DISTRICT**

[Addresses and Committee Names Omitted In Printing]

January 28, 1992 [Assemblyman Conroy Jan. 28, 1992
Date Stamp] [SEAL]

TO: All Members of the Legislature
FROM: Assemblyman Chuck Quackenbush
RE: Co-authorship of Governor's reform package -
relocation grant.

As you are aware, part of the Governor's budget package proposes that new arrivals in California receive welfare grants no larger than the maximum aid payment they could have received in the state from which they moved. This reduced grant would only be in effect for the first twelve months of California residency.

This legislation will effect [sic] approximately 50,000 cases, 7% of the welfare population. Of these cases, 36% came from states that make up the nation's ten lowest grant payment states.

This change will create a FY 1992/93 savings of \$25,811,000.

Yes, I would like to co-author the Governor's relocation grant proposal.

/s/ Mickey Conroy Mickey Conroy
signature printed name

Please return before February 6th.

News Release from Assemblyman Bill Jones (excerpts)

NEWS RELEASE

[seal]

from

Assemblyman

BILL JONES

STATE ADDRESS

State Capitol

Sacramento, CA 95814

(916) 445-2931

February 14, 1992

Contact: Anne Richards

JONES ANNOUNCES WELFARE REFORM PACKAGE

SACRAMENTO – Assembly Republican Leader Bill Jones today pushed for passage of seven welfare reform bills that would rein in welfare spending and promote individual responsibility.

The package of bills, authored by Assembly Republicans, could mean savings of over \$1 billion in welfare costs, Jones said.

The bills reflect the welfare reform portion of Gov. Wilson's initiative.

* * *

ASSEMBLY REPUBLICAN WELFARE REFORM BILLS

* * *

ASSEMBLYMAN CHUCK QUACKENBUSH – California Relocation Grant (AB 2584)

* * *

CALIFORNIA RELOCATION GRANT PROPOSAL FACT SHEET

PROPOSAL

- Families moving to California will receive grants, for their first 12 months in California, no larger than the maximum aid payment they could have received in the state from which they moved.
- If the family's state of origin had higher grant levels than California has, then the grant received in California will not exceed California's grant level.
- Families living in California for more than 12 months are not affected.
- The amount of the time spent in California while not on aid counts against the 12-month limit.

BACKGROUND

Current law provides for one grant amount per family size for all recipients regardless of how long the recipient has resided in the state. Approximately 7% (50,000 cases) of California's AFDC caseload lived in another state within the previous twelve months prior to their application for aid in this state. About half (25,000 cases) were receiving AFDC in the prior state of residence. About 25% of the migrating recipients come from neighboring states (Washington, Oregon, Nevada and Arizona) and 36% come from states that make up the nation's ten lowest grant payment states.

PROGRAM/CLIENT IMPACT

Seven percent of all new applicant cases in California each month, or almost 2,300 cases, will receive a lower

grant for 6 months. For 1992-93, this equates to an average 9,000 monthly cases that will be affected.

FISCAL IMPACT

Total FY 1992/93 savings (AFDC grant savings)
\$ 25,811,000 less admin cost

March 9, 1992 California Assembly floor debate and vote on S.B. 366 (excerpts)

* * *

Clerk: Senate Bill 366. An act relating to Aid to Families with Dependant Children making appropriation therefore and declaring an urgency thereof to take effect immediately.

Speaker: Mr. Costa, on the bill.

Mr. Costa: Yes, Mr. Speaker and Members,

* * *

Realizing that in fact funds are short in California today, it makes a great deal of sense then to insure that incentives are provided for people from other parts of the country, in fact that who might be lured to California if in fact there is evidence to make that case, that people might be willing to come here for the purpose - to benefit from higher assistance. This legislation attempts to take care of that by requiring a one year residency requirement in California for anyone to benefit from the level of assistance that we now provide for people who are residents of California.

* * *

Speaker: Mr. Bates.

Mr. Bates: Mr. Speaker and Members, I rise to oppose this measure. The situation here is that we are blaming the wrong people for what's going on in our society and in our economy. You have a situation where nation-wide people are becoming more and more unemployed as the economy is not working for people. We

now know that in the area of Los Angeles, one out of every seven people who reside in Los Angeles County are on some kind of assistance. Things are falling apart. Things are going to hell in a hand basket. And to some how or other think that the immigrants are the problem is really to deceive oneself. We have an economy that's in terrible disrepair, and so we must ask ourselves, why are immigrants coming to California? Well, they're coming here just as anyone else is coming here. They are coming here because they perceive there are opportunities here. They are coming here because there is a social network that can receive them. They are not coming here for any perceived welfare benefit increases that they somehow or other could get by coming to California. So we are deceiving ourselves if we think somehow or other people are coming to California for welfare benefits. There is no study, there's no analysis, there's no anything that would point out that people are coming here. They're coming here because they have friends here. They're coming here because they hope they can get a job here. They're coming here because they think they can get a better life for themselves and their families. Or in some cases, they are coming here because they are in a terrible situation where you have a women [sic] who has been battered and wants to get out of the area and wants to have a new life and a new opportunity. That's why people are coming to California. This Bill sends a message that says if you're poor, your [sic] down trodden, California doesn't want you. We don't want you to come here, we want you to go someplace else, the land of opportunity is not a land of opportunity for people who are poor. I think that's a wrong message, it doesn't save any money and I think its simply

demagoging [sic] a point that will mean nothing in the long run.

Speaker: Mr. Nolan.

Mr. Nolan: Yes Mr. Speaker, point of order, I think this Bill is improperly before the House, there is no author. There is no senator as an author of this Bill.

Speaker: Mr. Costa is the floor jockey.

Mr. Nolan: No, no, there is no senator . . . this Bill is improperly . . .

Mr. Costa: The Bill is the property of the House, Mr. Nolan. We had a Bill last year that was under similar circumstances and it has a principle co-author, its [sic] the property of this House and we can choose to use it as a vehicle as we do any other vehicle.

Mr. Nolan: My point would be that there is no senator listed anywhere on this Bill, this is a senate bill, it therefore cannot be considered.

Speaker: We had precedence for this last year, I recall a bill by Ms. Morgan. That's a fair question Mr. Nolan, so you'll have the section. Mr. Polanco.

Mr. Polanco: Mr. Speaker and Members, I rise to ask my colleagues not to support this measure. The two million that is identified as cost savings can be in fact two million dollars that we can get from elsewhere. The premise of SB 366 is premised upon disproved myths about California being a welfare magnet. There is no study that documents this to be the case. In fact, the figures that are out there today will show that California

is experiencing no greater an increase in its welfare case-load than other states across the country. The fact of the matter is Members, is that we are in a deep recession. The fact of the matter is, is that there are a million people in California without work. The fact of the matter is, is that unless we turn around this economy we are not going to be able to bring forward the type of prosperity. To pick on the welfare recipient is nothing more . . .

Speaker: Mr. Polanco, let me help you please. Members, please give Mr. Polanco your attention. Mr. Burden, please, Mr. Nolan.

Mr. Polanco: To continue to pick on the welfare recipient is nothing more than a callous, calculated scape goat. If in fact we are interested in wanting to improve and bring about the necessary change in welfare, then we ought to be targeting communities with resources, with assessments so that people can have an opportunity whereby we can assess their skills. Whereby we can begin to provide job opportunities. But the fact of the matter is Members, is that in California a mere seventy thousand new jobs will be created and as the economic trend continues Members, we are going to see middle class america run out of benefits, middle class america having to go to those lines and we are seeing it today. They will increase in numbers, this is a bad proposal, this is a very cheap shot at a population whom sixty percent are children. It is not the type of message that we ought to send to Californians. I ask for a no vote.

Speaker: Mr. Johnson.

Mr. Johnson: Mr. Speaker and Members, I couldn't disagree more with what Mr. Polanco has said

but I think he's right in the conclusion that he reaches that this Bill deserves a no vote. We ought to be able to agree, all of us, Republicans, Democrats, liberals, conservatives, all of us ought to be able to agree that the welfare system in this state just simply does not work. Period. It doesn't work, it's a disgrace. We shouldn't have people suffering. I'm opposed to this Bill because I believe it is unconstitutional on its face. It has been put forward by a governor trying to wrap it in a whole series of issues in an initiative and it's now being supported by a great many democrats for precisely that reason - to defeat the initiative - because they are concerned about it. So the game that is being played here, and lets [sic] be honest, on the part of democrats - lets pass this because public opinion polls show that it's popular and we are confident that the courts are going to throw it out ultimately because it is unconstitutional. We'll have the absurd situation of people coming in to this country from Mexico, from Southeast Asia, from all over the world and being able to go on welfare, AFDC payments immediately the same as if they had lived in California all of their lives but we are going to deny those same level of benefits to people who come here from Arizona or Missouri or some other state. If we were to apply the same logic for example, to the payments that we provide to school districts on average daily attendance and say we're going to provide average daily attendance level for students whose families are long-term residents of California at a given level, but those who have moved recently from Missouri or Arkansas or Texas, we're only going to provide the level of support for the school districts for that child's education that would have been provided in the state that

they moved from. Obviously it's unconstitutional. This is an unconstitutional proposal that probably is going to pass by people who want to support the Governor, who believe we need to do something to reform welfare, and on the part of some who cynically say let's pass it - the courts are going to throw it out - it will weaken the opportunity for the Governor's initiative, should it qualify, to pass. Please vote no.

Speaker: Mr. Quackenbush.

Quackenbush: Question for Mr. Costa. Mr. Costa, where was this Bill amended to reflect all these provisions in it at this time? Was it amended in Human Services or was it amended here on the floor?

Mr. Costa: The measure was amended on the floor.

Quackenbush: Are you aware that it's a carbon copy of my Bill AB 2584, that's now on the Human Services Committee?

Mr. Costa: Well, than [sic] you should like it.
(laughter)

Quackenbush: I'm just curious, is this the moral equivalent of withdrawing a Bill from Committee? Is that what it might be?

Mr. Costa: I don't believe so.

Quackenbush: I'd ask for an aye vote and wondering how I can get on as a co-author, Mr. Costa.

Mr. Costa: I would be more than happy to have you as a co-author.

Quackenbush: I could be the author.

Speaker: Mr. Burton.

Mr. Burton: Why don't you run for the Senate and then you could put your name on it and solve Mr. Nolan's problem. I would have to really agree with Mr. Johnson, I think this a very demeaning Bill to this House, it's a demeaning Bill to the process. We had a residency requirement put in a welfare reform bill some years ago that then Governor Reagan proposed - that was thrown out. What we are saying to children is, if your family happened to come here from another state looking for a job, and even found a job but was then layed [sic] off of that job, and there is no unemployment insurance; there is no other job opportunity, and to take care of your children you must be on welfare, that somehow their stomachs are a little bit smaller than the stomach of the person who lives next door who has lived in this State over a year; that their need for clothing for a young child going to school is a little bit less than the child living across the street who may also be on welfare through no fault of that child, because the parent has been unable to find a job; that somehow that clothing will be a little bit cheaper because they will have some sort of certificate saying they haven't been here a year. I don't intend to vote for this Bill because I think it demeans the process and really demeans this body that in my judgment will overwhelmingly pass the Bill.

Speaker: Mr. Peace.

Mr. Peace: Mr. Speaker, very briefly I would like to associate my remarks to Mr. Johnson who associated his remarks to Mr. Polanco and agree that in fact this

is much ado about nothing. It's a ludicrous proposal. Only I would disagree with the conclusion and say that because it is so ludicrous we ought to vote aye. And the reason that you ought to vote aye is it's one way to get one more ludicrous, silly, deceptive thing segregated away from the otherwise heinous and silly proposal the Governor has put forward for November so that we can talk about the real substantive silly things that he has proposed for November rather than talk about these other silly things that we all agree has no substantive dollar affect on the budget or on any impact of this stuff about people moving from left to right or anything else. So let's pass it, get it out of the way. We can try to tombstone it the Quackenbush Act if we like, and then we can deal specifically with the substance of the proposal the Governor - at least to this date - thinks he wants on the November ballot. Although I understand his political folks have been trying to encourage him to change his mind at this point. But let's hope he doesn't so we once and for all bring this issue to rest. I ask for an aye vote.

Speaker: Mr. Gotch.

Mr. Gotch: Mr. Speaker, thank you. Question for the author. Mr. Costa, question for the author.

Unidentified: Principal co-author.

Mr. Gotch: Yes, question for the principle co-author. Mr. Costa, it's not abundantly clear in reading the Bill that it's your intent to ensure that the California grant would in fact be the ceiling so that anyone who might come from another State that pays a higher grant, for Alaska wouldn't be receiving that state's grant but in fact would receive no more than the State of California. If it

doesn't become any clearer when we get to the Senate, would you object to an amendment that would so clarify?

Mr. Costa: No, the important thing is that the California level be the cap in terms of the highest amount that a recipient could receive. Your point that in Alaska the assistance is higher than that of California's as well as I think one or two other states, that those residents coming from that state would then in fact have to receive a higher benefit, it's stated in the language, and if leg. counsel wants it further clarified, or if we are not satisfied with the response, I will add further language that will make it crystal clear that in fact the California level is the cap and the highest that a recipient could receive.

Mr. Gotch: Thank you. Mr. Speaker, on my own time. It's certainly debateable whether the westward migration is in fact fueled by California as a welfare magnet. I doubt that's the case but none the less the passage of this Bill would certainly lay to rest that question and I would urge an aye vote on the Bill before us today. Thank you.

Mr. Speaker: Mr. Gotch, I just want to remind you that if this Bill goes back to the Senate it's for concurrence only it would not be eligible for amendments without going to conference committee.

Speaker: Mr. Wyman.

Mr. Wyman: Thank you Mr. Speaker and Members. I rise to support this measure.

* * *

[I]t is a legitimate response to the concern, to the fact that California has become a welfare magnet and that people

have come to this State because they see it as an opportunity to max out their welfare level of subsistence for themselves and those that they support – or at least on welfare – have supported by the State. So this is a measure that makes sense. It is part of a proposal that the Governor is putting on the ballot. Maybe this will be defeated so that it will be in its pure form and on the ballot.

* * *

And I think that our constituents in the very high percentiles that have been tested on this issue, wonder why there is any debate on this measure at all. This is excellent law, it should be adopted by this legislature and if this legislature sees not to, than [sic] I assure you it will be adopted in November. I ask for an aye vote.

Speaker: Mr. Harvey.

Mr. Harvey: Yes, Mr. Speaker and Members. I liked this Bill when it was a Quackenbush Bill and I still like it as a Costa Bill. I'd like it a lot better if you'd have accepted our six amendments to do so something real meaningful instead of just chipping at this today. We had six good amendments today that really would reform welfare in this State and get rid of those abusers but the democrats don't want to do that today so I'll take this little piece and take a step forward in this election year at least, and hope that you will join us later on this year to do what's deserving of people of the State of California and take all of our amendments. I'd ask for an aye vote.

Speaker: Mr. Connelly.

Mr. Connelly: Mr. Speaker and Members, very briefly. I'm speaking on this because the discussion has been so theoretical – constitutional or not – it's probably not –

* * *

there is something very real in this Bill. This Bill says that if people move here and if something happens and they go on welfare, they can't receive any more benefits than the state that they came from for twelve months. And for a lot of states that means a very low level. For some southern states it means a level as low as one hundred-twenty dollars a month for a women [sic] with two children. If she moved here this month as an example, with her husband and that husband fled, took off, abandoned her – real world things happen – and she was here with her two children, she could get no more than one hundred-twenty dollars a month to support those children for twelve months in the State of California. Whatever else you think about this Bill on theoretical basis, political strategy basis, somewhere inside of you you've got to know that there are going to be situations where this Bill applies in a fashion that is totally, totally unfair. And for that reason, no other, you ought to vote no.

Speaker: Any further question or debate? Hearing none, Mr. Costa, you may close.

Mr. Costa: Yes, Mr. Speaker and Members, I think there was a lot of comments that were made that all suggest some strong feelings as it relates to this legislation before us. But I think that when you examine everything before us in this legislation, you have to realize that we've made cuts that a lot of people would not concur

with. And when we don't have enough to keep the current system intact – as fraught as that system is with problems – it certainly doesn't make any sense to be expending it for others who are not yet even have come to California.

* * *

And we're balancing our budget on the backs of a lot of Californians that we would prefer in other ways not to have to do so.

* * *

Speaker: All debate having ceased, all time has expired. Clerk will please prepare the roll. It take fifty-four votes. All members vote who desire to vote. All members vote who desire to vote. Clerk will close the roll, tally the vote. Prepare to announce the vote. Ayes fifty-four, nos fourteen on the urgency, ayes fifty-four, nos fourteen on the Bill.

* * *

**California Department of Housing and Community
Development March 1992 article (excerpts)**

CALIFORNIA COMMUNITIES

Published By the California Department of Housing
and Community Development

Vol. 7, No. 1

March 1992

Pete Wilson, Governor

Timothy L. Coyle, Director

***California Dominates List of Least
Affordable Housing Markets;***

***Housing Director Links Barriers to
State's Competitiveness***

Citing data released in January by the National Association of Home Builders that ranked 17 California cities the top twenty least affordable housing markets in the nation, California's Housing Director stated recently that reducing the cost of housing was vital to the State's efforts to become competitive once again.

* * *

**Waiver request from the State of California to the
U. S. Department of Health and Human Services
(excerpts)**

State of California
HEALTH AND WELFARE AGENCY
1600 NINTH STREET, ROOM 460
SACRAMENTO 95814

(Seal)
PETE WILSON
GOVERNOR

TELEPHONE
(916) 654-3454

FAX
(916) 654-3343

September 17, 1992

Jo Anne Barnhart, Assistant Secretary
Administration for Children and Families
U.S. Department of Health and Human Services
370 L'Enfant Promenade, S.W.
Washington, D.C. 20447

Dear Ms. Barnhart:

Attached is California's Assistance Payments demonstration project proposal pursuant to Section 1315 of Title 42 of the United States Code. Due to the passage of State legislation in support of the provisions, we request that this proposal be reviewed and and [sic] approved as soon as possible.

* * *

The proposed changes are discussed below.

* * *

CALIFORNIA RELOCATION GRANT

This proposal reduces the incentive for families to migrate to California for the purpose of obtaining higher

aid payments. This would be accomplished by limiting (for a 12-month period) the grant level for families moving to California to the lesser of California's grant level or the MAP of the State of previous residence.

RELATIONSHIP TO THE WELFARE REFORM DEMONSTRATION PROJECT

As you know, we have not yet formally accepted the Terms and Conditions for the Welfare Reform Demonstration Project (WRDP). The WRDP will go into effect only if the voters approve the Government Accountability and Taxpayers Protection Act on the November ballot. Should that occur, the WRDP would supercede the waivers requested here. Thus, we need a section dealing with this contingency in the Terms and Conditions for this waiver.

* * *

**II - FEDERAL LAW AND REGULATIONS TO BE
WAIVED**

**TITLE IV-A STATE PLAN CHANGES
TO BE APPROVED**

The following is a listing of the Federal law and regulations to be waived for approval of this proposal.

FEDERAL LAW AND REGULATIONS

Law

42 USC Section 1396a(c). This section limits reduction of Title IV-A, AFDC payment levels to not less than that in effect in May 1988 without affecting the Medicaid program. We request that this section be waived to the extent that a waiver is required.

* * *

Federal Regulations

45 CFR 233.20 (a)(2). This subsection provides that the standard of need and amount of assistance payment will be applied uniformly throughout the State. This section will be waived as deemed required by DHHS to allow for the different payment levels required by the California Relocation Grant. We request that this section be waived to the extent that such a waiver may be required.

* * *

45 CFR 233.40. This section provides that AFDC cannot be denied due to a residency requirement. This section will be waived to the extent that DHHS deems it required to allow for the reduction of aid, not denial, for persons who have lived in California for less than 12 months under the California Relocation Grant component of this proposal.

* * *

III - COST/SAVINGS INFORMATION
A - CALIFORNIA ASSISTANCE PAYMENTS
DEMONSTRATION PROJECT

Cost/Savings Summary
 In \$' 000's
 Fiscal Year 1992/93

<u>Component</u>	<u>Total</u>	<u>Federal</u>	<u>State</u>	<u>County</u>
<u>Work Incentives</u>				
Assistance Payments				
Assistance Payments	-250,400	-124,100	-119,900	-6,400
100-Hour Rule				
Assistance Payments	- 20,000	- 9,900	- 9,500	- 800
\$30 and 1/3*	-0-	-0-	-0-	-0-
<u>California Relocation Grant</u>				
Assistance Payments	- 20,700	- 10,300	- 9,900	- 500
Administrative	2,400	1,200	800	400
	*	*	*	

IV - PROGRAM NARRATIVE
A - PROJECT TITLE
CALIFORNIA ASSISTANCE PAYMENTS
DEMONSTRATION PROJECT

INTRODUCTION

* * *

California Relocation Family Grant - A requirement which would reduce the incentive to migrate to California solely to seek higher public assistance benefits.

* * *

C - DESCRIPTION OF PROJECT COMPONENTS

* * *

CALIFORNIA RELOCATION GRANT

For families moving to California who have not lived here for at least 12 months, the grant level will be either the maximum aid payment for the same size assistance unit in the state they last resided in or California's computed grant, whichever is less. Families living in California, for more than 12 months prior to application for AFDC are not affected. Grant levels from other States will be updated annually from data received from Health and Human Services.

The purpose of this proposal is to reduce the incentive for families to move to California to receive public assistance.

Approximately seven percent of California's AFDC caseload (50,000) lived in another state within the previous 12 months prior to application for aid in this State. About half (25,000) were receiving AFDC in the prior state of residence. About one-quarter of the migrating recipients are from neighboring states whose MAPs for a family of three are significantly lower than California's MAP of \$663 per month. These states are Washington with a MAP of \$531, Oregon with a MAP of \$460, Nevada with a MAP of \$348 and Arizona with a MAP of \$316. Over one-third (36%), were from states that make up the nation's ten lowest grant payment states, primarily Louisiana with a MAP of \$190, Texas with a MAP of \$184, Arkansas with a MAP of \$204, and Oklahoma with a MAP of \$343.

Under this proposal, it is estimated that 1,500 AFDC-approved applicant cases every month will receive reduced grants. The grant reductions will average \$289 per case.

It is estimated that in fiscal year 1992-93 grant savings will equal \$20.7 million (\$10.3 million Federal, \$9.9 million State and \$500,000 County funds).

* * *

D - RESEARCH AND DEMONSTRATION METHODOLOGY

1 - HYPOTHESES AND OBJECTIVES

Introduction: The following is a listing of the hypotheses associated with each proposal component as well as the intended objectives. This listing will be refined in conjunction with academic professionals selected to assist in finalizing the RFP for the independent project evaluation and finalized with expertise provided by the selected contractor.

* * *

CALIFORNIA RELOCATION GRANT

PROPOSAL:

- Families moving to California will receive grants, for their first 12 months in California, the lesser of the California computed grant amount or the maximum aid payment for the AU of the same size in the state or U.S. Territories from which they moved, plus California's special need allowance.
- If the family's state or U.S. Territories of origin had higher MAP than California has, then the grant

received in California will not exceed California's computed grant level.

- Families living in California 12 months or more are not affected.
- The amount of time residing in California immediately prior to application for AFDC will not count against the 12-month timeframe.

OBJECTIVE:

- Reduce the incentive for migration of families to California for the purpose of obtaining higher aid payments.

HYPOTHESIS:

- If California's grant levels for incoming applicants are changed to the lesser of California's computed grant amount or the maximum aid payment of the State or U.S. Territories of prior residence, the rate of relocation into California will be reduced.

Measurements:

The kinds of data that may be collected include:

- Number of AFDC families migrating to California from other states or U.S. Territories in the twelve-month period prior to and subsequent to implementation of this provision.
- Percentage of caseload that migrated to California from other states or U.S. Territories.

- Number of applicants who were aided in other states or U.S. Territories prior to coming to California.
- Of those families from other states or U.S. Territories, the number and percentage of caseload which came from states or U.S. Territories with lower aid payments.
- Of those families from other states or U.S. Territories, the number and percentage of caseload which came from states or U.S. Territories with higher aid payments.
- Average differential between grants from other states or U.S. Territories and California's.
- Average number of months the applicants from other states or U.S. Territories resided in California before applying for aid.

* * *

All-County Information Notice I-49-92 (excerpts)
STATE OF CALIFORNIA - HEALTH AND WELFARE
AGENCY

DEPARTMENT OF SOCIAL SERVICES
 744 P Street, Sacramento, CA 95814

October 16, 1992 [checklist omitted in printing]

ALL-COUNTY INFORMATION NOTICE I-54-92

TO: ALL COUNTY WELFARE DIRECTORS

SUBJECT: FORMS, NOTICES, AND CHARTS RELE-
 VANT TO THE AFDC/RCA PROGRAM
 CHANGES REQUIRED BY THE RECENTLY
 ENACTED STATE BUDGET

* * *

The purpose of this letter is to provide you with information and materials you will need to implement AFDC changes required by the recently enacted State Budget and the accompanying Legislation, SB 485, Chapter 722, Statutes of 1992 as well as the 1991 amendments to Welfare & Institutions Code Section 11201.5 (100 Hour Rule). As we informed you in ACIN I-49-92, the changes which could take effect as early as December 1, 1992 are:

* * *

RELOCATION FAMILY GRANT (RFG)

This provision restricts the grant amount to either the California computed grant or the MAP amount from the prior state of residence (plus California special needs, if applicable), whichever is less. This rule provides that when an AU does not contain any member who has lived in California for at least 12 months, the AU's grant will be

determined using the RFG rule. The RFG rule will continue to apply until at least one member of the AU has resided in California for 12 consecutive months.

* * *

ATTACHMENTS

We are providing the following attachments to allow counties sufficient lead-time to plan for implementation and training of staff.

NOTE: If voters approve the Government Accountability and Taxpayers Protection Act (GATPA) in the November 3, 1992 election, Attachments I through VI will not be implemented. We would then provide you with new instructions and material as soon as possible.

* * *

RELOCATION FAMILY GRANT
Maximum Aid Payments for All Other States and U.S. Territories

Issued: October 1961

Assistance Unit Size																
STATE	1 CHILD	1 ADULT	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Alabama	\$100	\$100	\$123	\$149	\$168	\$194	\$219	\$250	\$280	\$311	\$342	\$373	\$404	\$435	\$466	\$497
Alaska	326	515	821	923	1025	1127	1229	1331	1433	1535	1637	1739	1841	1943	2045	2147
Arizona	198	198	266	334	401	469	537	605	673	740	808	875	942	1009	1076	1143
Arkansas	81	81	162	204	247	286	331	373	415	457	457	457	457	457	457	457
Colorado	99	214	280	356	432	512	590	652	715	779	840	902	959	1016	1072	1129
Connecticut	356	356	473	581	683	781	884	997	1102	1193	1304	1359	1489	1527	1643	1744
Delaware	201	201	270	338	407	475	544	612	681	750	819	888	957	1026	1095	1164
Dist. of Columbia	258	258	321	409	499	575	676	776	858	943	1025	1081	1162	1215	1281	1329
Florida	180	180	241	303	364	426	487	549	610	671	733	795	857	919	981	1043
Georgia	155	155	235	280	330	378	410	444	470	496	530	568	568	568	568	568
Guam	420	420	537	673	776	874	985	1141	1251	1351	1449	1550	1651	1752	1853	1954
Hawaii	407	407	550	693	835	978	1121	1263	1406	1549	1691	1834	1977	2120	2262	2405
Idaho	208	208	254	315	357	399	433	479	522	566	609	652	695	739	782	825
Illinois	102	212	268	367	414	485	545	574	604	635	669	705	741	781	822	866
Indiana	139	139	229	288	346	405	463	522	580	639	697	756	814	873	931	990
Iowa	183	183	361	426	495	548	610	670	731	791	865	952	1039	1126	1213	1300
Kanasa	239	239	321	396	462	521	580	639	701	760	819	878	937	996	1055	1114
Kentucky	162	162	196	228	285	333	376	419	419	419	419	419	419	419	419	419
Louisiana	71	71	136	190	234	276	315	352	390	426	462	501	540	580	620	662
Maine	127	214	337	453	569	685	801	917	1033	1149	1265	1381	1497	1613	1729	1845
Maryland	167	167	294	377	454	526	579	651	715	773	834	895	954	1013	1073	1134
Massachusetts	392	392	486	579	668	760	854	946	1037	1128	1220	1315	1410	1506	1600	1695
Michigan	96	276	371	459	563	659	792	868	944	1020	1096	1172	1248	1324	1400	1476
Minnesota	250	250	437	532	621	697	773	850	916	980	1035	1089	1142	1195	1248	1301
Mississippi	60	60	96	120	144	168	192	216	240	264	288	312	336	360	384	408
Missouri	135	135	234	292	341	387	430	473	514	554	594	635	675	715	755	796
Montana	86	238	322	405	488	571	654	738	822	861	899	933	967	997	1025	1052

* For all sizes greater than 15, contact the ICR policy analyst.

** Updated semi-annually effective April 1st and October 1st of each year.

RELOCATION FAMILY GRANT																
Maximum Aid Payments for All Other States and U.S. Territories																
Assistance Unit Size																
STATE	1 CHILD	1 ADULT	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Nebraska	\$222	\$222	\$293	\$364	\$435	\$506	\$577	\$648	\$719	\$790	\$861	\$932	\$1003	\$1074	\$1145	\$1216
Nevada	230	230	289	348	407	466	525	584	643	702	761	819	878	937	996	1055
New Hampshire	145	388	451	516	575	631	707	766	854	902	975	1056	1124	1187	1250	1313
New Jersey	162	162	322	424	488	552	616	680	744	808	872	936	1000	1064	1128	1192
New Mexico	192	192	258	324	389	455	520	586	652	717	783	849	914	979	1044	1109
New York	352	352	468	577	687	800	884	1010	1101	1173	1246	1318	1391	1463	1536	1608
North Carolina	181	181	236	272	297	324	349	373	386	406	430	448	473	496	521	546
North Dakota	108	217	326	401	491	558	616	656	698	740	782	824	866	908	950	992
Ohio	199	199	274	334	413	483	538	601	667	733	800	864	930	996	1061	1127
Oklahoma	95	211	264	341	423	495	565	639	701	762	762	762	762	762	762	762
Oregon	209	310	395	460	565	660	755	840	925	985	1090	1195	1300	1405	1510	1615
Pennsylvania	205	205	316	403	497	589	670	753	836	919	1002	1085	1168	1251	1334	1417
Puerto Rico	132	132	156	180	204	228	252	276	300	324	348	372	396	420	444	468
Rhode Island	327	327	449	554	632	710	800	880	970	1042	1132	1212	1293	1375	1461	1542
South Carolina	124	124	167	210	252	295	337	380	423	465	508	550	593	635	678	720
South Dakota	284	284	357	404	450	497	543	589	635	681	728	774	820	866	912	958
Tennessee	95	95	142	185	226	264	305	345	386	425	467	508	549	589	630	670
Texas	63	75	158	184	221	246	284	308	351	377	420	446	488	514	557	583
Utah	233	233	323	402	470	536	589	618	648	677	705	735	764	793	822	851
Vermont	465	465	567	673	755	845	902	1001	1084	1163	1242	1321	1399	1478	1557	1636
Virgin Islands	120	120	180	240	300	360	420	480	540	600	660	720	780	840	900	960
Virginia	157	157	231	291	347	410	435	435	435	435	435	435	435	435	435	435
Washington	339	339	428	531	624	719	817	943	1044	1044	1044	1044	1044	1044	1044	1044
West Virginia	145	145	201	249	312	360	413	461	477	477	477	477	477	477	477	477
Wisconsin	249	249	440	518	618	709	766	830	879	921	943	963	983	1003	1023	1043
Wyoming	195	195	320	360	390	450	510	575	640	700	765	777	789	801	813	825

* For AU sizes greater than 15, contact the DSS policy analyst.

** Updated semi-annually effective April 1st and October 1st of each year.

BEST AVAILABLE COPY

**United States Department of Health and
Human Services waiver approval (excerpts)**
DEPARTMENT OF HEALTH & HUMAN SERVICES

**ADMINISTRATION FOR CHILDREN
AND FAMILIES**
Office of the Assistant Secretary,
Suite 600
370 L'Enfant Promenade, S.W.
Washington, D.C. 20447

October 29, 1992

Ms. Eloise Anderson
Director
California Department of Social Services
744 P Street
Sacramento, California 95814

Dear Ms. Anderson:

It is a pleasure to inform you that your application for waivers under section 1115 of the Social Security Act for the Assistance Payments Demonstration Project (APDP) is approved upon your written acceptance of the enclosed Waiver Terms and Conditions. The project period for this activity is November 1, 1992, through September 30, 1997. The waivers necessary to implement the demonstration are identified on the enclosed listing.

I look forward to working with you and your agency on this important initiative.

Sincerely,
/s/ Jo Anne B. Barnhart
Jo Anne B. Barnhart
Assistant Secretary
For Children and Families

* * *

DEPARTMENT OF HEALTH AND HUMAN SERVICES
ADMINISTRATION FOR CHILDREN AND FAMILIES

OFFICE OF FAMILY ASSISTANCE

WAIVER AUTHORITY

STATE: California

Waivers of the following provisions of the Social Security Act are provided for the purposes of implementing the Assistance Payments Demonstration Project:

* * *

California Relocation Grant

402(a) and various provisions of the regulations at 45 CFR 233.20(a)(1) and (2) – to allow the State to implement a different method for determining the amount of assistance for those families in the treatment group who have not resided in the State continuously for at least 12 months immediately prior to application. The different method provides an AFDC grant amount equal to the lesser of the amount of aid computed using California's grant computation or the maximum aid payment, not counting special needs, of the State of origin, as determined semi-annually by the State of California.

* * *

DEPARTMENT OF HEALTH AND HUMAN SERVICES
HEALTH CARE FINANCING ADMINISTRATION

WAIVER AUTHORITY

STATE: California

Waivers of the following provisions of the Social Security Act are provided:

1902(a)(1) – Maintenance of Effort. To permit the State to obtain approvals of new State plans for medical assistance even though the AFDC payment levels under WRDP will be below those levels in effect on May 1, 1988.

* * *

WAIVER TERMS AND CONDITIONS

California Assistance Payments Demonstration Project

SECTION 1: GENERAL ISSUES

* * *

- 1.2 If State statutes providing the authority to implement the California Welfare Reform Demonstration Project (WRDP) are enacted prior to December 31, 1992, then this demonstration project will be terminated.

* * *

California APDP Terms and Conditions October 1992

[Section 2: IMPLEMENTATION]

- 2.2 Under APDP, the state will implement the following provisions requiring waivers:

* * *

- Provide to families who have moved to California from another State and have not resided in California

continuously for at least 12 months immediately prior to application, an AFDC grant amount equal to the lesser of the amount of aid computed using California's grant computation or the maximum aid payment not counting special needs of the State of origin. The maximum aid payment of the State of origin will be determined semi-annually by the State of California.

* * *

Bidders will be asked to explain in detail how the impact of APDP on the migration of recipients from other states to California can be determined using non-experimental methodologies.

* * *

- 3.12 The evaluation will also include a study of the entry effects of APDP and the impact that APDP has on migration to California from other States. These components of the impact evaluation will be accomplished using non-experimental methods.

* * *

California Ballot Pamphlet for General Election (excerpts)

California

BALLOT PAMPHLET GENERAL ELECTION

November 3, 1992

* * *

- 165 Budget Process. Welfare. Procedural and Substantive Changes. Initiative Constitutional Amendment and Statute.

* * *

Analysis by the Legislative Analyst

* * *

PUBLIC ASSISTANCE PROGRAMS

* * *

AFDC Program Changes

* * *

Residency Requirement. The measure provides that during their first 12 months of residence in California, AFDC applicants from other states are eligible for a grant based on the *lesser* of the grant they would receive using California's eligibility requirements or the MAP in their former state. Given California's grant levels relative to other states, this provision would reduce the grants for most new arrivals.

* * *

165 Budget Process. Welfare. Procedural and Substantive Changes. Initiative Constitutional Amendment and Statute.

Argument in Favor of Proposition 165

* * *

THE AVERAGE WELFARE RECIPIENT WOULD NEED A JOB PAYING \$1,400 PER MONTH TO EARN MORE WORKING THAN STAYING ON WELFARE. No wonder people move to California to collect welfare.

* * *

Proposition 165 reforms welfare:

- New state residents would receive no more in welfare here than in their home state, to end California's status as a welfare magnet.

* * *

PETE WILSON
Governor
State of California

* * *

California Secretary of State's
vote tally on Proposition 165 (excerpts)

STATE OF CALIFORNIA
SECRETARY OF STATE
MARCH FONG EU

SEMI-OFFICIAL CANVASS
STATEWIDE RACES DETAIL REPORT

PAGE: 32

DATE: 11/05/92

TIME: 08:57

NOVEMBER 3, 1992 GENERAL ELECTION

PROPOSITION (CONT'D)

- COUNTY NAME -	PRECINCTS		PERCENT RPTD
	TOTAL	RPTD	
	*	*	*
STATE TOTALS =	25,942	25,942	100.0

BUDGET/WELFARE INIT.

PROPOSITION 165
FOR AGAINST

* * *

4,512,965	5,255,308
46.2	53.8

DUE TO ROUNDING OFF OF NUMBERS, SOME PERCENTAGES MAY NOT TOTAL 100.0%

All-County Letter 92-98 (excerpts)

STATE OF CALIFORNIA -
HEALTH AND WELFARE AGENCY

DEPARTMENT OF SOCIAL SERVICES
744 P Street, Sacramento, CA 95814

November 6, 1992 [Checklist
omitted in printing]

ALL-COUNTY LETTER NO. 92-98

TO: ALL COUNTY WELFARE DIRECTORS

SUBJECT: IMPLEMENTATION OF THE AFDC/RCA
PROGRAM CHANGES REQUIRED BY THE
RECENTLY ENACTED STATE BUDGET

* * *

The purpose of this letter is to notify you that the AFDC Program changes contained in ACIN I-54-92, which was recently released with information and materials, are to be implemented effective December 1, 1992.

As you know, the Government Accountability and Taxpayers Protection Act (GATPA) was not approved on November 3, 1992. However, Federal waivers have been approved to implement the following provisions:

* * *

RELOCATION FAMILY GRANT (RFG)

This provision restricts the grant amount to either the California computed grant or the MAP amount from the prior state of residence (plus California special needs, if applicable), whichever is less. This rule provides that

when an Assistance Unit (AU) does not contain any member who has lived in California for at least 12 months, the AU's grant will be determined using the RFG rule. The RFG rule will continue to apply until a member of the AU has resided in California for 12 consecutive months.

* * *

Questions & Answers

* * *

RELOCATION FAMILY GRANT (RFG)

Implementation

Implementation is effective prospectively on December 1, 1992.

Recipients and those who have filed an application for cash aid prior to December 1, 1992 are unaffected by RFG rules.

Any applicant family who applies on or after December 1, 1992 must be evaluated for RFG.

* * *

Q3. What if the family left on October 31, 1993 to live in another state and returned on December 15, 1993?

A The RFG would apply because in December the family would not have lived in California for 12 consecutive months prior to application. The family would be subject to 12 full months of RFG.

* * *

Q5. Does the RFG rule apply if children from another state move in with an unaided caretaker relative who is a California resident? (No other eligible children)

A Yes, RFG applies because the non-needy caretaker is not a member of the AU.

* * *

Q10. A family moves to California from Oregon. Does the RFG rule apply if the family was not on aid in Oregon?

A Yes, the RFG rule will apply regardless of whether a family was on aid in their former state. RFG will apply until at least one member of the AU has lived in California for 12 consecutive months.

Q11. Does the RFG rule apply to applicants who have moved to California from another country?

A No, only from other states or U.S. Territories that have AFDC.

* * *

Q15. When computing the RFG payment, is Homeless Assistance added to the former state MAP prior to the comparison with the California computed grant?

A No, Homeless Assistance, proration and overpayment adjustments are applied after the aid payment is determined.

Q16. If the client provides verification that the grant amount from their former state is larger than the chart amount, which amount should the CWD use?

A The CWD shall always use the chart amount which will be updated semiannually by SDSS.

* * *

Q19. Homeless Assistance Permanent Housing payments, RISP payments and overpayment adjustments are all based on MAP amounts for a particular AU size. Which MAP is used to determine any of the above for a RFG case?

A Use the lesser of either the California MAP or the prior state MAP in the computation of the above.

Q20. If a family moves to California and immediately applies for AFDC and has a 12 month RFG period, would the birth of a new baby in California make the family eligible to a California grant?

A No, neither the newborn or any other member of the AU has lived in California for 12 consecutive months.

* * *

**Proposed Emergency Regulations of the California State
Department of Social Services (excerpts)**

**NOTICE OF PROPOSED CHANGES
IN REGULATIONS OF THE STATE
DEPARTMENT OF SOCIAL SERVICES**

* * *

**ITEM #4 - AID PAYMENT
DEMONSTRATION PROJECT**

* * *

RDB #1092-35

FINDING OF EMERGENCY

These regulations are being implemented on an emergency basis for the immediate preservation of the public peace, health and safety, or general welfare, within the meaning of Government Code Section 11346.1.

* * *

Adopt Chapter 89-400 and Section 89-402 to read:

<u>89-400</u>	<u>AID PAYMENTS</u>	<u>89-400</u>
<u>89-402</u>	<u>MAXIMUM AID PAYMENT (MAP) LEVEL AND MAP RESTRICTION</u>	<u>89-402</u>
<u>.1</u>	<u>MAP Amount</u>	
	<u>HANDBOOK BEGINS HERE</u>	
	<u>Effective December 1, 1992, the MAP level established in Welfare and Institutions Code Sections 11450(a)(1) and (2) is:</u>	

<u>Size of AU</u>	<u>MAP</u>
<u>1</u>	<u>\$ 307</u>
<u>2</u>	<u>504</u>
<u>3</u>	<u>624</u>
<u>4</u>	<u>743</u>
<u>5</u>	<u>847</u>
<u>6</u>	<u>952</u>
<u>7</u>	<u>1,045</u>
<u>8</u>	<u>1,139</u>
<u>9</u>	<u>1,230</u>
<u>10 or more</u>	<u>1,322</u>

* * *

.41

Relocation Family
Grant Rule

.411

CA Computed
Grant Amount

When the RFG is applicable, the county shall compare and base aid on the lesser of:

.412

Other States
MAP

The California computed actual grant amount for a full month, excluding overpayment adjustments, or

The MAP amount of the previous state or U.S. Territory of residence, plus California special needs when included in Section 89-402.411.

* * *

(b)

The county shall semi-annually update the other state MAP amounts effective each April 1st and October 1st with figures provided by the State Department of Social Services which are based upon U.S. Department of Health and Human Services data.

* * *

69

.43

Reduced Income
Supplemental Payment
(RISP), Homeless Assistance
Payment for Permanent
Housing and Overpayment
Adjustment Computation

For the purpose of determining the RISP, homeless assistance payment for permanent housing, and computing overpayment adjustments, the MAP specified in Sections 44-402, 44-211.531 and 44-352.41 shall be the lesser of the California MAP or the MAP from the previous state of residence.

* * *

.45

RFG Example

A mother and her three children arrive in California from Mississippi in April. Four months later (August), they apply for AFDC. The RFG rule will apply to the AU for eight months. (Twelve month residency requirement minus four months in California equals eight RFG months). Their RFG period will end March 31st of the following year.

* * *

70

DECLARATION OF DESHAWN GREEN

I, DESHAWN GREEN, declare that:

1. The matters in this declaration are within my personal knowledge and if called as a witness I could competently testify thereto.
2. I lived in Sacramento, California for twelve years with my mother. In 1985, I went to Louisiana with my mother. While I lived there, I had two children, who are now three and four years old. My son, who is four, has sickle cell anemia. The father of my children was arrested several times for beating me.
3. My mother returned to California in 1987 and is now living in Sacramento. Around December 1, 1992, I decided to escape from the physical abuse from my children's father with my two children. I talked to my mother and she offered to give me and my children shelter and protection. My reasons for coming to California had nothing to do with the AFDC grant level.
4. I arrived in Sacramento, California on the evening of Friday, December 4, 1992. At that time I realized that my mother was homeless. She is unable to help me financially or offer me a place to stay. I spent the little money I had on a hotel room for the weekend. On Monday, December 7, 1992, I was out of money and I had no choice but to apply for homeless assistance and AFDC.
5. I received homeless assistance December 7, 1992. By December 22, 1992, I will have to find permanent housing. I have been told by my worker that the county can only help me with permanent homeless assistance if the monthly rent is less than \$152, 80% of the AFDC grant

for three in Louisiana, and that my AFDC grant will be \$190 a month, the most I could receive in Louisiana.

6. I have been looking for apartments in the Sacramento area. One landlord asked for \$300 per month with a \$350 deposit for a one-bedroom unit, or \$465 per month with a \$300 deposit for a two-bedroom. Another apartment complex said I could move in for a \$499 deposit and a monthly rent of \$475. If I could get the California AFDC grant for three people of \$624, I could get up to \$499 permanent homeless assistance to pay the deposit and I could afford the rent.

7. AFDC is my only source of income. The \$190 a month I am getting will not even pay for rent, much less other necessities of life. I do not know anyone who can lend me money to pay for an apartment.

8. I do not have an [sic] alternatives but [sic] be on the streets with my two children. I do not even have a car to sleep in. The monthly AFDC I receive is not enough to buy me and my children tickets to go back to Louisiana. The tickets I used to get me to California cost \$260 and were a special price. We can't go back to Louisiana anyway, because we wouldn't be safe from the children's father. I don't know anywhere else to go because I've never lived anywhere besides Louisiana and California.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on December 14, 1992, at Sacramento, California.

/s/ Deshawn Green
DESHAWN GREEN

DECLARATION OF DEBBY VENTURELLA

I, Debby Venturella, declare that the following facts, as set forth in this declaration, are personally known to me; that if called as a witness I could and would competently testify under oath to the following:

1. I was born and raised in Hawaii where I completed high school and cosmetology college. My parents retired and came to California a year ago to take care of my grandfather when my grandmother died.
2. I worked as a cosmetologist in Hawaii until 1988 when I moved to Washington state for better job opportunities and a lower cost of living.
3. I was working as a cosmetologist in Washington state when I met my husband Anthony Venturella. He worked as a cook and then in maintenance at a camping resort area.
4. Anthony and I were married in 1990.
5. I became pregnant and had to stop working in September 1991.
6. Our daughter, Cheyenne, was born in October 1991.
7. In May 1992 I learned I was pregnant again.
8. In August 1992 I discovered that my husband had gotten a co-worker pregnant. This came as a complete shock to me. I told my husband I could not stay in that town and that I was going to leave the state.
9. My husband agreed that we could leave. We left Washington on October 16th and went to Oklahoma

because he had relatives there and knew of a trade school he wanted to attend.

10. When we got to Oklahoma my husband couldn't get the financing to enter the trade school, so he had to get a job.

11. First my husband got a job in a restaurant at a truck stop and then as a cook in a bar from 2 p.m. to 2 a.m.

12. Our relationship had been falling apart since Anthony's affair, and things went from bad to worse. He took his paychecks and spent them drinking and gambling. There was no money for rent or food and he would come home drunk and abusive.

13. I knew I couldn't stay with my husband any longer. I could not even trust Anthony to take care of Cheyenne while I went to the hospital to give birth to the new baby, much less to be the support I would need with a one year old and a newborn.

14. The only place I could go for the support I needed was California. The only relatives I have are here.

15. My mother was born and raised in California. I have no brothers or sisters or aunts and uncles.

16. After just six weeks in Oklahoma, I came to Belmont, California in early December 1992 with Cheyenne. We stayed temporarily with my parents and grandfather in my grandfather's two bedroom house. Since my parents have one bedroom and my grandfather the other, there wasn't enough room for my family to stay there.

17. My baby's due date is February 20, 1993. I will not be able to work until then and for a while afterward. I had a complicated delivery with my first baby, which left me unable to lift or drive for a month. I'm worried that my second baby will also involve complications.

18. Because I am going to deliver soon, and cannot work, I had no choice but to apply for AFDC. I was told I would get the Oklahoma grant level even though I only lived there for six weeks. I have never been on AFDC before.

19. I did not know what the AFDC grants were in California before I moved. They played no part in my decision to come here.

20. I am told that the Oklahoma grant level is \$264 per month for 2 people and \$341 for 3 people. In Oklahoma, you can find an apartment for \$199 a month, including utilities.

21. I have been looking for apartments here and can find nothing that I could afford on only \$341 per month.

22. My parents recently helped me rent a one bedroom apartment in Belmont because there was not enough room for me and my daughter to stay at my grandfather's house any longer. The rent is \$700 a month. Although my parents were able to loan me money to move in and pay for a part of my rent, they cannot afford to loan me the difference between the Oklahoma grant and \$700 for very long, much less a year.

23. I plan to work as soon as I am able to and can get child care, and I also hope to get child support, but

this is going to take a while. I need AFDC for the transition.

24. I don't know what I will do if I do not get the full California grant level of \$624 per month for 3 for the next year. I can sell my car and maybe borrow some from my parents' retirement, but after that I just don't know what we'll do if I can't get a job that pays enough to support my family while paying for childcare for a newborn and a one year old. I feel like I'm one step away from being homeless in the streets or in a shelter. I want to be self-supporting as soon as possible, but need the full California grant to help me through this period until I can get back on my feet.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct to the best of my recollection.

Executed this 15 day of December 1992 at Redwood City, California.

/s/ Debby Venturella
DEBBY VENTURELLA
Declarant

DECLARATION OF DIANA P. BERTOLLI

I, Diana P. Bertolli, declare that the following facts, as set forth in this declaration, are personally known to me; that if called as a witness I could and would competently testify under oath to the following:

1. I live with my 14 month old son, Derrick, in San Mateo, California.

2. I moved to California from Colorado to get away from my son's father, Derrick, Sr. He and I were not getting along, and I was afraid for my son's and my safety.

3. We are temporarily staying with my uncle, his wife and their 2 year old boy and 15 month old girl in a two bedroom rented house. There isn't room for us to stay on other than a temporary basis.

4. I want to attend an 18 week training program in the mornings through the Regional Occupational Program in Redwood City, California to become a hospital unit clerk, beginning in February 1993. I have some clerical skills and I think I could earn enough to support myself and my son once I finish the training program and learn the medical terminology.

5. I am also looking for part-time clerical work and subsidized child care but haven't been able to get either yet.

6. Since I can't stay at my uncle's house and don't have a job yet, I had to apply for AFDC for myself and my son.

7. I applied for AFDC in San Mateo County on December 1, 1992.

8. I was told that the most AFDC I could get would be \$280 per month for the next year because I moved from Colorado last month and this is the maximum grant for two people in Colorado.

9. When I finished high school I attended college in Colorado until the money to pay for it ran out.

10. After college, I worked at a restaurant for a year and a half and then at Kelly Temporary Services until I saved enough money to get my own apartment.

11. At about the same time that I got my own apartment, Derrick, Sr. and I got together. He was working in a carpentry shop and later as a driver for a furniture rental business.

12. After a year and a half we found out I was pregnant. Unfortunately, Derrick, Sr. lost his job at about the same time.

13. As a result we got evicted and became homeless. We each stayed in different places for short periods of time with friends and family until there was finally an opening in a homeless family shelter in September 1991.

14. Derrick, Jr. was born a month later and we got AFDC and moved into an apartment.

15. Derrick, Sr. started school for his GED but our AFDC was cut off in March 1992 until July 1992 because of a Colorado rule that we could not get AFDC for more than a few months at a time.

16. We were both under a lot of stress and our relationship deteriorated to the point where we could not get along.

17. Derrick, Sr. had been violent in the past, and he began acting in ways that looked to me like he could be headed there again. He wouldn't watch Derrick, Jr., and insisted I stay home with Derrick, Jr. all the time so that I could not go to school.

18. I got a job making calls from home for the Disabled American Veterans, but it only paid \$4.25 an hour.

19. It became clear to me that Derrick, Sr. and I could not stay together, yet his abusive behavior made it impossible for me to get more skills and a job so I could support myself and my son without him, to get out from under this situation.

20. Finally, one day I realized I just had to leave. If I stayed in Colorado, Derrick, Sr. would have harassed me wherever I went because he knew all the places I could stay.

21. I asked my father for advice. He agreed that it would be better for my son and me if we could get away from there. He arranged for me to come to California where his brother lived, to make things safe for me to get on with my life. The California AFDC grant level had nothing to do with why I came here.

22. My family and I do not think it is safe for me to go back to Colorado for at least a year.

23. I have been looking for an apartment to rent or share but can find nothing here for the Colorado grant amount.

24. I can't go back to Colorado or continue to stay with my uncle for the next year. If I don't get the full grant amount of \$504 for two in California, I will have to find a full time job which, combined with my school, would keep me away from my little boy all of his waking hours. Even then, I'm not sure this would work, because I don't think I could afford so much childcare on the wage I could get in the current job market. Unemployment is high and I have few skills and no training.

25. I am afraid that I will become homeless again. I don't see any way out of this situation. I can't live here on \$280 per month and I can't go back to Colorado for fear for my safety and that of my child. I worry about my son's health if we become homeless during the cold, wet weather.

I declare under penalty and perjury under the laws of the State of California that the foregoing is true and correct to the best of my recollection.

Executed this 14th day of December 1992 in San Mateo, California.

/s/ Diana P. Bertolli
 DIANA P. BERTOLLI
 Declarant

DECLARATION OF ROBERT GREENSTEIN

I, Robert Greenstein, hereby declare as follows:

1. I am the Executive Director of the Center on Budget and Policy Priorities, a Washington-based non-partisan, non-profit research center focusing on the impact of federal and state policies on low and moderate income Americans.

2. I have been involved in research, policy analysis and policymaking on issues regarding low-income people and welfare programs for over 15 years. Between January 1979 and January 1981, I served as administrator of the federal Food and Nutrition Service (FNS). I was the chief executive officer at the United States Department of Agriculture in charge of managing all domestic food assistance programs, including the Food Stamp and School Lunch programs. Prior to that time, I worked as a special assistant to the Secretary of Agriculture from March 1977 to January 1979. In that capacity, I was the USDA representative on inter-agency and White House task forces on welfare reform.

3. The Center on Budget and Policy Priorities has published dozens of studies, issue papers, and analyses on welfare programs, poverty, hunger, homelessness, and other topics related to low-income people. On behalf of the Center, I have testified on numerous occasions before Congress and federal and state legislative bodies, agencies and commissions as an expert on poverty and welfare issues.

4. I am familiar with the changes recently enacted in California's AFDC program. Specifically, I am aware that

pursuant to state statute, there now exists a residency requirement for receipt of AFDC such that families who have lived in California for less than 12 months at the time they apply for AFDC are entitled to an AFDC grant no greater than the maximum AFDC benefit for their family size in their prior state of residence.

5. No state has ever implemented a scheme of AFDC benefit levels for new residents predicated upon a recipient's prior state of origin, although both California and Wisconsin recently received permission from the federal government to do so.

6. California's residency requirement is founded largely on the premise that some people move to California to take advantage of the state's welfare benefits. Yet the plan contains no mechanisms to distinguish between families that have come to California for higher benefits and those that move to California for other reasons. Thus, many families that move to California for reasons other than higher benefits will be punished by a policy directed at other families. Even native Californians who have lived out of state and later return are subject to the requirement.

7. The California Department of Social Services, in an April 1990 study, found that 6.6 percent of AFDC families lived in another state in the year before they began receiving AFDC in California. (California Department of Social Services, Aid to Families with Dependent Children Characteristics Survey, Study Month of April 1990, Table 19. The data also reveal that for 16.9 percent of the respondents, the Department was unable to determine whether the family had resided out of state.) No

research has been done by the DSS on the reasons these families moved to California. Indeed, data from the same DSS survey show that of those for whom duration of residency is known, fewer than half of the recently arrived AFDC families in California received AFDC in their previous state. It is likely, therefore, that a substantial number of all recently arrived [sic] families did not move to California intending to apply for AFDC benefits.

8. Although California's residency requirement affects all newcomers no matter what their reasons for coming, it is possible to design a residency requirement that does not punish all recent arrivals regardless of their reasons for moving. Under the Wisconsin plan, for example, most families that have lived in the state for less than six months would receive a payment based on the benefit levels in their previous state of residence. Yet families applying for assistance after living in Wisconsin for more than three months that can demonstrate they had 13 weeks of employment during their time of residence in Wisconsin are entitled to the benefit levels provided to long-term Wisconsin residents. This mechanism is one way to distinguish between recent arrivals who unexpectedly find themselves in need of public assistance due to unemployment following several months of work and those who move to the state expecting to receive public assistance. Such a plan is more sensible if the goal is to affect only those whose reason for moving is welfare. Of course, even with these refinements, the residency requirement may be legally or constitutionally invalid for other reasons.

9. California's residency requirement limits a newcomer's AFDC benefits to the maximum benefit available

in the newcomer's former state. Because states generally have different AFDC benefit levels (presently only two states have the same maximum benefit for a family of three), this requires California to administer a program with more than 45 different sets of benefit levels. As a former administrator of the U.S. Food and Nutrition Service, I believe such a scheme will be complicated to administer and thus will require considerable administrative effort.

10. Perhaps in an effort to minimize this administrative burden, California's plan will identify the benefit levels in each state twice annually and adjust California's table on April 1 and October 1. These levels are based only on standard AFDC benefits in each state and exclude payments made in other states to cover "special needs" of AFDC families. Special needs for which some states make payments include utility or clothing costs in the winter, high shelter costs, burial costs, and expenses due to natural disaster or eviction. Special needs payments can be made to a family on an ongoing basis.

11. These aspects of the residency requirement will leave recently arrived AFDC families in California at a disadvantage in three ways relative to AFDC families of similar status in their previous state of residence. First, the newly arrived families will not receive special needs payments for needs not covered in California, even if these families would have been eligible for the special needs payments in their previous state of residence. California's determination of their prior grant, therefore, may be lower than the grant was if the family received special needs not covered in California.

12. Second, the newly arrived residents will not benefit for a number of months from an AFDC grant increase in their previous state if the increase occurs between the two annual determinations by the California Department of Social Services. This would happen if, for example, AFDC benefits were raised in Ohio in May of 1993 while the California DSS had established its schedule of AFDC benefits in each state as of April 1993. Under this scenario, an AFDC family moving from Ohio to California after May and before the next California redetermination of grant levels in October would find its AFDC benefits lower than the benefits it had been receiving in Ohio. Indeed, according to the implementation instructions the state agency has released to the counties in All-County Letter 92-98, such new recipients must be paid the lower amount even if they provide proof that they received a higher amount in Ohio.

13. There is a third reason that some residents will receive smaller grants than they did in their former states. Although a number of states have benefit levels that vary by region, DSS has not selected the highest benefit level from each state as the benchmark. For example, the maximum benefit level in certain areas of Virginia including Charlottesville, Alexandria, Fairfax County, and Arlington County is \$354 per month, while DSS lists the maximum as \$291, the level in other parts of the state. Therefore, a family from Charlottesville, for example, would receive \$63 less than its actual Virginia grant, a drop of 18 percent.

14. While California's AFDC benefit levels rank among the highest in the nation, a simple comparison of

state benefit levels is incomplete and somewhat misleading because it does not take into account differences in costs of living across the states. The costs of living in California are among the highest in the nation. This can be demonstrated by examining differences in housing costs, typically the largest budget expense for AFDC families.

15. When AFDC benefits are compared with housing costs, California ranks near the middle of all states. The attached Table I compares the maximum AFDC benefit for a family of three as identified by California's DSS with the costs of modest housing in each of the 50 states and the District of Columbia.

16. The housing measure used is the weighted average Fair Market Rent for metropolitan areas in each state. Fair Market Rents are established by the U.S. Department of Housing and Urban Development for every metropolitan area and nonmetropolitan county in the U.S. They are the standard for several of HUD's low income housing programs and are intended to reflect the costs of obtaining "privately owned, decent, safe, and sanitary housing of a modest (non-luxury) nature with suitable amenities." Moreover, because Fair Market Rents are determined by the federal government for every jurisdiction in the nation, they are the best source with which to make state-by-state comparisons of the costs of decent but modest housing.

17. This state-by-state comparison of AFDC benefits relative to housing costs suggests that the value of California's current benefit levels is close to the middle when compared with other states, rather than near the top.

Because California's housing costs are higher than in any other state with the possible exception of Massachusetts, California ranks 17th in the nation in the adequacy of AFDC benefits relative to housing costs. Moreover, this rank *overstates* California's standing because it does not take into account the extent to which AFDC families in a given state receive housing assistance from the federal, state, or local government. According to the U.S. Department of Health and Human Services, only 12 percent of California's AFDC families received such subsidies in 1990, the lowest proportion of any state in the nation and only half the national average of 24 percent. That is, only about one in eight AFDC recipients in California receives any housing subsidy, compared to the national average of almost one in four.

18. Because California's housing costs are so high, the residency requirement will place recently arrived AFDC families on an inferior footing relative to AFDC recipients in the state from which the newcomers recently moved. In all but one of the 46 states (including the District of Columbia as a state) in which AFDC benefit levels are lower than in California, the average statewide costs of modest housing are also lower than in California. This means that newly entered residents from 45 of these 46 states typically will face higher costs of living without any increase in their AFDC benefits to help meet those costs.

19. The residency requirement will also leave recent residents of California on an inferior footing relative to long-term California residents, many of whom have difficulty affording decent housing despite receiving the state's regular AFDC benefits. The average metropolitan

Fair Market Rent for a two-bedroom apartment in California was \$750 a month in 1991. Thus, the recently enacted maximum AFDC benefit for a family of three, which is \$624 a month, equals just 83 percent of the costs of a modest two bedroom apartment. The maximum AFDC benefit for a three-person family even falls below the the average Fair Market Rent for a one-bedroom apartment, which was \$640 a month in 1991. New residents, with even lower grants than other Californians, will face even more severe difficulties affording housing. In fact, new residents from 16 states will find the benefit they receive for a family of three is less than *half* the Fair Market Rent for even a *one*-bedroom apartment in California.

20. Most AFDC families in California live in areas where the costs of even modest rental housing already exceed 80 percent of the maximum AFDC grant. For newcomers with sharply lower grants, the situation will become considerably more severe. The reduced grants can be expected to force some newcomer AFDC families to move into overcrowded or substandard quarters, or to [sic] even to become homeless, all of which can pose significant health and safety risks to residents, especially children.

21. In addition, newly arrived families in California from any of the 46 states with lower AFDC benefit levels than California will find their benefits cover less of the costs of necessities than the benefit levels received by long-term California residents, as measured by the state's "standard of need." The standard of need represents the income level the state considers essential to obtaining basic necessities, such as food, clothing, and shelter. As

part of the AFDC program, each state is required by the federal government to establish a standard of need. States are not required to set AFDC benefit levels at the need standard, although as of January 1992, AFDC benefit levels in 15 states equaled their respective states' need standards.

22. States have wide latitude in setting a need standard. Because of differences in methodologies, standards of need do not provide precise information on the differences in costs of living from state to state. Nevertheless, need standards still provide a useful measure of the costs of living from state to state, since they represent a state's judgment about the minimum income level a family with children needs to obtain basic necessities. California's need standard for a family of three is \$703 per month, while the maximum AFDC benefit for the same sized family is \$624 per month, or 89 percent of the need standard.

23. For families coming from any of the 46 states with lower benefits than California, AFDC benefits will cover from 17 percent to 83 percent of the California need standard, compared to the 89 percent of the need standard that is covered by maximum California benefits. Families from 22 states will receive AFDC benefits that fall below half of the need standard in California. Consequently, as a result of the residency requirement, many newly arrived AFDC families in California will face great difficulty obtaining basic necessities.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 18th day of December 1992 at Washington DC.

/s/ Robert Greenstein
Robert Greenstein

California Department of Social Services
News Release (excerpts)

STATE OF CALIFORNIA - HEALTH AND
WELFARE AGENCY

DEPARTMENT OF SOCIAL SERVICES
* * * NEWS RELEASE * * *

(Seal)

PR 92:01

STATE SOCIAL SERVICES DIRECTOR SAYS STATE
WILL FIGHT WELFARE RIGHTS GROUPS' EFFORT
TO DERAIL WELFARE REFORM

FOR IMMEDIATE RELEASE
December 21, 1992

Contact: Amy Albright
916/657-2268

SACRAMENTO - California Department of Social Services Director Eloise Anderson said today the state will fight efforts by welfare rights organizations to derail a new welfare law that restricts newcomers to California to welfare grants no higher than those they would have received in their home state.

* * *

The director's comments came in response to an announcement today by the ACLU, Legal Aid Society of San Mateo County, and the Coalition of California Welfare Rights Organizations that they are seeking a temporary restraining order in federal court on the state's further implementation of the Relocation Family Grant.

The relocation grant applies to welfare recipients who have resided in California fewer than 12 months and apply for public assistance after Dec. 1, 1992. It was

adopted by both houses of the Legislature as part of the 1992-93 budget agreement.

Anderson said that if the groups are successful in blocking the relocation grant, "it will plunge California deeper into debt, requiring more spending cuts as part of next year's budget agreement.

"The relocation grant is one part of a comprehensive effort to bring state spending on public assistance under control," Anderson said. "By limiting the grant level of newcomers and discouraging people from coming to California just for higher welfare benefits, the measure can save taxpayers millions."

The state estimates the relocation grant will save taxpayers \$21 million in the first year alone, including \$10 million from the state's general fund.

* * *

Temporary Restraining Order
[Filed December 22, 1992]

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

DESHAWN GREEN, DEBBY)	
VENTURELLA, and DIANA P.)	
BERTOLLT, on behalf of)	
themselves and all others similarly)	CIVIL NO.
situated,)	CIV-S-92-2118
Plaintiffs,)	DFL JFM
v.)	CLASS ACTION
ELOISE ANDERSON, individually)	TEMPORARY
and in her official capacity as)	RESTRAINING
Director, California Department of)	ORDER
Social Services; CALIFORNIA)	
DEPARTMENT OF SOCIAL)	
SERVICES; THOMAS HAYES,)	
Director, California Department of)	
Finance;)	
Defendants.)	

Upon reading the Complaint filed herein, as well as the supporting exhibits and memorandum of points and authorities, the Court finds that defendants' policy and practice of paying lesser AFDC grants to California residents who have not resided in California for twelve consecutive months prior to applying for aid than defendants pay to other California AFDC recipients will cause plaintiffs irreparable injury before this matter can be heard on noticed motion.

The Court further finds that plaintiffs have demonstrated that serious questions are raised on the merits in their claims and that the balance of hardships tips sharply in plaintiffs' favor with respect to defendants' policy of failing to pay full California AFDC grants to some California residents, based solely on the duration of their residency in California, which may violate the guarantee of equal protection, the right to travel, and the Privileges and Immunities clause of the United States Constitution.

It appearing to the satisfaction of the Court that this is a proper cause for granting a temporary restraining order, now, therefore,

IT IS HEREBY ORDERED THAT, pending the hearing on the order to show cause, defendants and their agents, assignees and successors in interest are enjoined from implementing: 1) Section 11450.03(a) of the California Welfare and Institutions Code; 2) regulations promulgated pursuant to section 11450.03(a) of the California Welfare and Institutions Code, including but not limited to M.P.P. E.A.S. § 89-402.4; and 3) All-County Letter ("ACL") 92-98 and All-County Information Notice ("ACIN") I-54-92 to the extent that the ACL or ACIN deny standard California AFDC benefits to members of the plaintiff class or determine an AFDC benefit in whole or in part by reference to the AFDC grant in any other state or territory.

IT IS FURTHER ORDERED that defendants will, prior to 5:00 p.m. on December 23, 1992, by facsimile transmission, electronic mail, telegram or night letter, notify the counties and county welfare directors of this

Order, and instruct them to stop the implementation of the policy enjoined herein.

IT IS FURTHER ORDERED that, within ten calendar days, defendants shall issue an All-County Letter to the same effect, and defendants shall provide plaintiffs' counsel with a copy thereof.

IT IS FURTHER ORDERED that plaintiffs will be permitted to proceed in this matter without posting bond or any other security.

IT IS SO ORDERED.

Dated: December 22, 1992

/s/ Milton L. Schwartz
UNITED STATES DISTRICT
JUDGE

DECLARATION OF MICHAEL B. KATZ

I, MICHAEL B. KATZ, declare as follows:

1. I am Stanley I. Sheerr Professor of [sic] Professor of History, Chair of the History Department, and Co-Director of the Urban Studies Program at the University of Pennsylvania. I had [sic] conducted research and written extensively about American social policies relating to poverty. My books relating to poverty are: *Poverty and Policy in American History* (1983), *In the Shadow of the Poorhouse* (1986), and *The Undeserving Poor* (1989), *The "Underclass" Debate; Views from History* (1993). Since 1987, I have served as archivist to an ex-officio member of the Social Science Research Council's Committee on the Urban Underclass. I am including a copy of my curriculum vitae.

2. I am familiar with the residency requirement law setting AFDC assistance levels at the level administrated by an applicant's prior state of origin for her first twelve months of residency within California. These laws are modern versions of the "settlement" provisions of poor laws ubiquitous in Elizabethan England and early America.

* * *

3. Throughout American history, low paid work has been irregular and insecure. Workers have suffered frequent unemployment on account of seasonal economic conditions, recessions, business failure, and related causes for which they have not been responsible. As a result, to find work low income people have been forced to change their residence often, frequently crossing state

lines, which have been meaningless boundaries in a national economy.

4. The historic hardships occasioned by "settlement" laws will likely be repeated if the California statute is permitted to operate. In fact, because a higher proportion of those in poverty now are women heads of households and children, I believe the impact will be even more severe. Recent data, for example, show that almost 40 percent of the poor are children; nearly half of the children in female headed households are in poverty; and women head nearly half of poor households. The changing demographics of the poor means two things of relevance to the California statute. First, reduction in benefits for newly-arrived residents to California will harm those groups least able to cope with financial hardship. Child care services for low income mothers are inadequate; jobs are least available and poorest paying for low income, usually inadequately educated and trained single mothers; children suffer most from insufficient food, shelter, and clothing. Second, those compelled to leave their homes and travel to different states on account of domestic violence frequently are mothers with children. They do so often without any resources, prospect of spousal support, training or experience, and as the principal family breadwinner and caregiver.

I declare under the penalty of perjury under the laws of the state of California that the foregoing is true and correct. Executed this 20th day of January, 1993, at Philadelphia, Pennsylvania.

/s/ Michael B. Katz
Michael B. Katz

DECLARATION OF CAROL A. WALLISCH

I, Carol A. Wallisch, declare that the following facts, as set forth in this declaration, are personally known to me; that, if called as a witness, I could and would competently testify under oath to the following:

1. Since November, 1987, I have been and am a Senior Consultant to the Assembly Human Services Committee. As part of my duties as consultant, I analyzed Assembly Bill (AB) 2584, Senate Bill (SB) 366, and the sections of SB 485 dealing with Aid to Families with Dependent Children (AFDC) for the State Assembly.
2. In December, 1991, Governor Wilson introduced a proposed Initiative, *The Government Accountability and Taxpayer Protection Act of 1992*, which eventually became Proposition 165. Proposition 165 failed passage on the November 1992 ballot. An element of that proposition was the California Relocation Grant.
3. Prior to action on the Initiative, AB 2584 (Quackenbush) was introduced in the Assembly on February 10, 1992. AB 2584, which contained the Relocation Grant proposal, was one of the bills meant to be the legislative implementation of sections of the Governor's Initiative and his budget. The wording of AB 2584 was virtually identical to the wording of the initiative with regard to the Relocation Grant. This bill was heard before the Assembly Human Services Committee where it failed passage.
4. The accepted purpose of the Relocation Grant was to deter families from coming to California to seek Aid to Families with Dependent Children (AFDC). The

Background Information Request form provided by the bill's author specified that the problem the bill addressed was that "California's high welfare grants are an incentive for families to move into the state. Of the 50,000 welfare recipients this bill would affect, 25% come from neighboring states and 36% come from states with the lowest paying grants."

5. The Legislative Analyst's Office commented on the proposal in the Office's *Analysis of the 1992-93 Budget Bill*: "Will This Proposal Reduce California's Attractiveness as a 'Welfare Magnet'? The proposal appears to be based, in part, on the belief that families come to California because of its high AFDC grant levels."

6. On March 2, 1992, the Assembly stripped SB 366 of its contents and author and placed the Relocation Grant language in the bill. The language in the bill is identical to the relevant section of the Initiative and was meant to implement the Governor's Initiative. The bill passed in the Assembly and was sent to the Senate on March 3, 1992. The Senate took no further action on this bill.

7. In August, 1992, SB 485 was stripped of its contents and its author, and SB 485 became a budget trailer bill. That is, budget negotiators in the Legislature placed new language regarding law changes needed to support the Budget Bill. The California Relocation Grant was added as part of the negotiated changes. Again the language that was adopted was virtually identical to the language of the Initiative, SB 366, and AB 2584. SB 485 passed both Assembly and Senate and was signed by the Governor to become Chapter 722 of the Statutes of 1992.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct to the best of my recollection.

Executed this 19th day of January, 1993 at Sacramento, California.

/s/ Carol A. Wallisch
CAROL A. WALLISCH
 Declarant

Attachment to Declaration of Carol A. Wallisch
 (excerpts)

ASSEMBLY COMMITTEE ON HUMAN SERVICES
TOM BATES, CHAIR

BACKGROUND INFORMATION REQUEST

Measure: AB 2584

Author: Assemblyman Quackenbush

Origin of the bill:

- a. Who is the source of the bill? What person, organization, or governmental entity requested introduction?

Governor's office

* * *

What is the problem or deficiency in the present law which the bill seeks to remedy?

California's high welfare grants are an incentive for families to move into the state. Of the 50,000 welfare

recipients this bill would affect, 25% came from neighboring states and 36% came from states with the lowest paying grants

* * *

RETURN THIS FORM TO: ASSEMBLY COMMITTEE
 ON HUMAN SERVICES
 Phone 445-0664

STAFF PERSON TO CONTACT: /s/ Carol Wallisch

DECLARATION OF DAVID PANUSH

1. I, DAVID PANUSH, hereby declare that the following is true and correct.

2. I am currently employed as the Assistant Fiscal Policy Advisor to the President Pro Tempore of the California State Senate, David Roberti. In this capacity I serve as a policy advisor on health and welfare-related budget issues. I have held this position since 1988.

3. On March 9, 1992, the State Assembly passed SB 366 by a vote of 57 to 17. This measure specified that families moving to California will receive AFDC grants for their first 12 months in California that are no larger than the grant they could have received in the state from which they moved. This bill was referred to the Senate Budget and Fiscal Review Committee and received no further action.

4. On May 20, 1992, the State Senate passed SB 1834 by a vote of 27 to 10. This measure included a provision that limited the maximum AFDC grant payable to families that have lived in California for less than 12 months to the average of the other 49 states. Exemptions were provided for families that moved to care for a seriously ill spouse, child[,] parent or sibling; families who moved as a result of a transfer of active military personnel; and families whose basis for deprivation arose after the family moved to California.

5. The August 12, 1992, version of SB 919 contained a provision that limited the maximum AFDC aid payment for families that have resided in California for less than 12 months to the amount which the family could have

received in the state of prior residence. This bill reflected statutory changes needed to reflect actions taken by the Budget Conference Committee, which had been meeting prior to August 12, 1992, and which adopted the Assembly version on this issue.

6. On August 28, 1992, the Senate passed AB3244 by a vote of 28 to 9. This measure included a provision relating to AFDC residency requirements which was identical to that provided in SB919.

7. On August 31, 1992, the Assembly passed SB 485 by a vote of 54 to 29. On September 2, 1992, the State Senate concurred in Assembly amendments by a vote of 29 to 9. The measure was sent to the Governor and signed into law on September 14, 1992. This measure contained a provision which was the same language relating to AFDC residency requirements as contained in AB3244 and the August 12 version of SB 919.

8. I declare under penalty of perjury that the foregoing is true and correct and could so testify if called as a witness.

9. Executed this 20th day of January, 1993, at Sacramento, California.

/s/ David Panush
DAVID PANUSH

DECLARATION OF CASEY S. McKEEVER

1. I, CASEY S. McKEEVER, declare as follows:

2. I am Directing Attorney of the Northern California office of Western Center on Law and Poverty in Sacramento, California. I have worked at Western Center for over nine years. In that capacity I represent low-income clients and respond to legislative requests related to state policy affecting the poor. I am registered as a lobbyist with the California Secretary of State. My area of specialty is public assistance, including Aid to Families with Dependent Children (AFDC). I have worked intensively on the state budget as it affects benefits for the poor.

3. During the 1992-93 budget year, I spent much time representing clients on cuts in AFDC proposed by the Governor. These included a provision which would limit the amount of AFDC a family could receive if it had resided in the state for fewer than 12 months. On behalf of our clients I opposed this provision.

4. Senate Bill 485 as enacted and signed by the Governor was the principal "budget trailer bill" related to health and welfare. This bill made necessary statutory changes which allowed budget reductions to be made in the amounts provided in the state budget, Chapter 587, Stats. 1992. The "trailer bill" is a device used for many years, but since *Harbor v. Deukmejian*, 43 Cal.3d 1078 (1987), has consisted of several different bills, each relating to a separate subject. The residency provision now contained in Welfare & Institutions Code §11450.03 was contained in SB485.

5. The process of adopting the state budget has become extraordinarily difficult over the past several years. Achieving the necessary two-thirds vote and obtaining a Governor's signature has required resort to procedural irregularities and suspension of the ordinary rules governing consideration of legislation. Negotiation among the key leaders – the Governor and leaders of both parties in each house – ultimately leads to resolution of the deep differences which divide policymakers.

6. The ordinary process of "how a bill becomes a law" is not followed in these circumstances. Instead, an agreement is placed in an existing "vehicle," a bill which was introduced for other purposes but which is in a convenient procedural position and is "hijacked" or "gutted" and used to contain the provisions agreed to.

7. This is what happened to SB485, and why there is little legislative history on the intent of the residency provision related to that specific bill. As shown in Attachment A (Senate Weekly History, February 6, 1992), SB485 was originally introduced as a tax bill by Senator Leroy Greene. On September 9, 1991, it was placed on the "Inactive File" on the Assembly floor. As shown by the Attachment B (Senate Weekly History, Oct. 9, 1992), it was not until August 10 of 1992 that it was removed from the Inactive File on the Assembly floor. It was there transformed into the major budget trailer bill for health and welfare, and as passed by the Assembly on August 31 and the Senate on September 2, did not even have a legislative author attached to it.

8. As such, there was no ordinary "legislative history" attached to SB485 which one would find in committee analyses, author's statements, etc. SB485 was an omnibus bill, and the floor analysis for the Assembly, attached here as Attachment C, only describe the provisions without extensive analysis of purpose or intent.

9. However, the issue of AFDC residency requirements had received much attention during the legislative session prior to adoption of SB485, and the development of the issue plainly influenced the final version of W.I.C. §11450.03 in SB485. In 1991, Assemblymember Charles Quackenbush amended AB671 to contain a six-month residency provision. See Attachment D, and Exhibit 9 from Plaintiff's Motion for Preliminary Injunction. The Governor included a 12-month provision in his welfare and budget initiative (which became Proposition 165), and the same provision was included in two packages of bills intended to adopt the terms of the initiative, AB2584 (Quackenbush) and SB1556 (Hill). See Attachment E. These bills were heard in policy committees, but failed to pass. See Attachment F.

10. Early in 1992 Lieutenant Governor Leo McCarthy announced his intention to sponsor legislation containing a residency provision which would limit those AFDC families residing in the state for fewer than 12 months to an amount based on the average grant of the other 49 states, instead of the amount which would have been received from the state of prior residence. See Attachment G. This proposal was then introduced as SB1907 (Johnston), and also later appeared in a larger omnibus welfare reform bill, SB1834 (Thompson). The former was never heard in committee, but the latter was

passed by the Senate on May 21, 1992. This bill later was transformed into an unrelated budget bill without the residency provision, and was ultimately signed by the Governor. See Attachment H.

11. SB366 had been a bill regarding consumer service information for health care service plans carried by former Senator Alan Robbins until it was "hijacked" on the Assembly floor, amended into a residency bill identical to that contained in Proposition 165, and passed on March 9, 1992. No author's name was attached. After passing the Assembly, it was never heard in any Senate committee. See Attachment I. After the Assembly passed SB366, however, AB2584 failed to pass the Assembly Human Services Committee on April 8 (see Attachment F).

12. By late spring, each house had passed a version of a residency provision: the Assembly through SB366, and the Senate in SB1834. Each house had also passed budgets assuming implementation of these provisions. See Attachment J. As noted in that document, the Assembly's SB366, reflected in its budget bill, AB2303, was described as the "Governor's proposal."

13. The two-house Joint Budget Conference Committee was charged with the responsibility of resolving differences between the houses and with the Governor. Ultimately the Conference Committee reported out a bill which adopted the Assembly version of the residency provision. As described in the Legislative Analyst's summary, the Conference Committee "[r]eject[ed] Governor's proposed changes to AFDC Program, *except for the residency proposal . . .*" See Attachment K. SB1280, however,

was not the budget bill ultimately enacted, since another "vehicle" was ultimately found (AB979) to incorporate the final version. The health and welfare trailer bill incorporating the budgetary elements of SB1280 was SB919, which contained the Assembly's residency provision. See Attachment L.

14. SB485 became the budget health and welfare trailer bill near the end of the legislative session after the Assembly defeated the Senate's version of the trailer bill, AB3244. The Assembly made one minor change unrelated to AFDC residency before importing the provisions of AB3244 into SB485. The Senate concurred in the Assembly amendments, and the bill was passed and sent to the Governor. Attachment B. The residency provision reflected the development of the issue which had occurred in legislation preceding it, and plainly was the Governor's version of that issue. There was no separate debate on the residency provision in SB485, and therefore no specific history of the intent behind that provision in SB485.

15. The documents attached hereto are true and correct copies of official documents I obtained from legislative committees, weekly histories or other legislative personnel.

I declare under penalty of perjury that the foregoing is true and correct and could so testify if called as a witness. Executed this 19th day of January, 1993, at Sacramento, California.

/s/ Casey S. McKeever
CASEY S. MCKEEVER

**Attachments to Declaration of
Casey S. McKeever (excerpts)**

[Attachment 1, pp. 5-6]

SB 366

SENATE THIRD READING

SB 366 () - As Amended: March 2, 1992

SENATE VOTE: Not Relevant

ASSEMBLY ACTIONS:

COMMITTEE INS. VOTE COMMITTEE W. & M. VOTE
(vote note relevant)

DIGEST

Urgency statute. $\frac{2}{3}$ vote required.

Existing law provides for the same maximum aid payment (grant) for all recipients of Aid to Families with Dependent Children (AFDC) regardless of their length of time in California.

This bill:

- 1) Specifies that families moving to California will receive grants, for their first 12 months in California, no larger than the grant they could have received in the state from which they moved.
- 2) Becomes operative 30 days after the bill is signed by the Governor or when the federal government grants the state a waiver, whichever is later.

FISCAL EFFECT

According to the Legislative Analyst, the bill will generate General Fund savings of \$15 million in 1992-93 and \$2.1 million in the current year.

COMMENTS

- 1) Because federal regulation requires that all AFDC recipients be treated in the same manner, the state must seek a federal waiver to enact this bill. If it did not do so, it would endanger federal financial participation in the AFDC program.
- 2) In January, 1991, the grants for a single parent with 2 children ranged from \$120 per month in Mississippi to \$891 per month in Alaska.
- 3) Advocates for AFDC families have noted that residency requirements and penalties on persons moving from one state to another have been consistently found by the U.S. Supreme Court to violate the Equal Protection Clause of the Fourteenth Amendment and to penalize the constitutional right to travel. One-year residency requirements for welfare benefits were first struck down in 1969 and subsequent cases in 1982 and 1986 reaffirmed that original decision. FN 024087

Carol Wallisch
445-0664:ahumans

SB 366
Page 2

[ATTACHMENT J]
Conference Overview
1992-93 Budget Bill

Legislative Analyst's Office
May 12, 1992

Welfare Reform Proposals
1992-93
General Fund

(dollars in thousands)

Proposal	Governor	SB 1280	AB 2303
AFDC Program			
	*	*	*
Residency requirement	-13,124	-13,124	-\$15,124
		Grants based on 49-state average	Governor's proposal
	*	*	*

Legislative Analyst's Office
May 12, 1992

[ATTACHMENT K]

The 1992-93 Budget Bill
SB 1280 (Alquist)

Conference Version

Legislative Analyst's Office
June 22, 1992

Major Actions, by Program Area	Fiscal Effect ^a (in millions)
Social Services	* * *

Department of Social Services

- Rejects Governor's proposed changes to AFDC Program, except for the residency proposal (May Revision estimate). 423.6

* * *

^aGeneral Fund relative to January budget estimates, unless otherwise indicated.

* * *

DECLARATION OF FRANCES FOX PIVEN

I, Frances Fox Piven, hereby declare as follows:

1. I am Distinguished Professor of Political Science and Sociology at the Graduate School and University Center of the City University of New York.

2. I have co-authored or authored numerous books and scores of articles on public policy, and particularly on welfare policy, beginning with *Regulating the Poor: The Functions of Public Welfare*, published by Pantheon Books in 1971.

3. I have conducted extensive research on the AFDC program over the past two decades and more, which is reflected in the aforesaid published work. I am now engaged in research on current developments in state and federal welfare policy.

4. I am familiar with recent changes in the California AFDC program, including the new residency requirement that limits benefits for applicants who have resided in California for less than 12 months to the maximum AFDC benefit level to which they would be entitled in the state in which they formerly resided.

5. While California's new residence requirement is unique in pegging AFDC benefit levels for newcomers to the benefit levels of the state from which they migrated, residence restrictions on the poor of one kind or another in fact have a very long history. American poor relief and AFDC residence laws have roots in ancient forms of English labor regulation known as laws of settlement, and in requirements of the English poor law which

restricted parish aid to those of the poor who had established residence. These laws were designed to restrict the mobility of the laboring poor, and also to keep the parish poor rates low. And while laws of settlement and poor relief residence requirements were often embodied in separate statutes, they were in practice intertwined in enforcing a labor system that bound the poor – which actually meant most people – to the parish.

6. The first law of settlement was passed in the 14th century, when feudal arrangements predominated, although they were beginning to weaken. The immediate precipitant appears to have been the Black Death of mid-century, which decimated the population. The resulting labor shortage was made more acute by the rise of the weaving trade which led to a growing demand for workers. At the same time, military developments created opportunities for escaped serfs to join armies raised for war. The Statute of Laborers was an attempt to cope with these labor problems, by making it illegal for those without property to refuse any offer of employment, or to demand more than the set wage, or to leave their town or village in search of better terms of labor. (See William J. Chambliss, "A Sociological Analysis of the Law of Vagrancy," *Social Problems* 12, no. 1, Summer, 1964, pp. 67-77.)

7. Settlement laws, backed up by laws against vagrancy (which in the 16th century was made a capital offense), persisted in England for several centuries. In the interim, England like other countries in northern Europe developed a poor relief system. And the restrictions on mobility embodied in the law of settlement were incorporated into poor relief.

8. The poor relief system developed in Lyons early in the 16th century illustrates these restrictions although, being a center of commerce, Lyons dealt perhaps more kindly than other places with outsiders. Indigent outsiders were given a night's lodgings before they were sent on their way, but sent on their way they were. (See Natalie Zemon Davis, "Poor Relief, Humanism and Heresy," paper presented at the Newberry Library Renaissance Conference in Chicago, April 16, 1966. See also Juan-Luis Vives, "Concerning the Relief of the Poor or Concerning Human Need: A Letter Addressed to the Senate of Bruges, January 6, 1526, translated by Margaret M. Sherwood. *Studies in Social Work*, No. 11, New York School of Philanthropy 1917.) Meanwhile, in Lyons and elsewhere in northern Europe, penalties for vagrancy and beggary were elaborated, in an effort to shore up restrictions on mobility contained in the new poor relief arrangements. (See de Karl de Schweinitz, *England's Road to Social Security: From the Statute of Laborers in 1349 to the Beveridge Report of 1943.*)

9. In 17th century England, restrictions on the mobility of the poor and on eligibility for poor relief were codified in the Act of Settlement and Removal of 1662. The main provisions of the law reiterated the constraints on mobility and forced employment of the Statute of Laborers. At the same time, the law specified that the indigent poor could only receive poor relief in their home parish, and indeed, that they be removed to their original parish if they required relief. Not surprisingly, Adam Smith later inveighed against these provisions, because it prevented people from searching for useful employment, and also prevented employers from finding workers. (See

Karl Polanyi, *The Great Transformation*, Boston, Beacon Press, 1944.)

10. The English Act of Settlement and the restrictions on movement which it imposed was partially repealed at the end of the 18th century. However, the parish residence requirements of the poor relief system were not repealed. Since the early 19th century was a period when changes in agriculture combined with changes in the emerging textile industry to produce large scale unemployment and insecurity, many people – in some counties as much as 15 percent of the population – depended on poor relief. (E.J. Hobsbawm and George Rude, *Captain Swing*, New York, Pantheon Books, 1968, p. 76.) Under these conditions, residence restrictions on the availability of poor relief discouraged people from moving away from rural areas, despite overpopulation and unemployment.

11. In effect, as Adam Smith had warned of the law of settlement, the requirement that the poor could only receive relief in their home parish almost surely impeded the emergence of national labor markets. This was particularly the case because the early factories developed in locations convenient to cheap sources of power, and not necessarily in relation to concentrations of the rural poor. As manufacturing grew in the first decades of the 19th century, the parish poor relief system came to be seen as a major inhibition on the development of a free market in labor. The Poor Law reform of 1834 wiped away these impediments in one brutal stroke, by eliminating outdoor relief, and thus eliminating the incentive to immobility that parish relief had constituted. (See Polanyi, *ibid*, part one; see also Sidney Webb and Beatrice Webb, *English*

Poor Law History, Part II, *The Last Hundred Years*, London, Longmans, Green and Co., 1929.

12. In other words, historical experience suggests that when residence conditions are attached to the receipt of relief, labor mobility is impeded, and so is economic growth. Sometimes local employers have sought exactly that result. This was surely the case for much of English history, when large landowners used relief in tandem with settlement laws to create a kind of parish serfdom, a captive labor supply. Residence restrictions in the United States on the receipt of AFDC and general relief may have had similar though less drastic effects in impeding the movement of surplus workers out of agriculture tin [sic] the post World War II period. In effect, state and county system welfare systems shored up by residence requirements reproduced the English parish relief system, making us something less than one nation, economically and politically. (See Frances Fox Piven and Richard A. Cloward, *Regulating the Poor*, New York, Pantheon Books, 1971, chapters 4 and 5.)

13. I have so far pointed out that the availability of relief only on condition of established residence restricts the mobility of people and labor. The reverse claim, that the availability of relief, or of improved relief payments, in new locales increases mobility is probably less true. The reason is quite simply that, the term "labor markets" notwithstanding, people generally do not behave like capital or commodities. They do not move easily, because they develop ties to a community, a place, to kin and neighborhoods, a kind of intertwined social and cultural investment which, for most people, is not forsaken easily. For this reason, large migrations are ore [sic] often forced

by desperation than by the promise of economic improvement. And for this reason also, when migration does occur in response to economic incentives, it is usually the young, and especially young males, who move because they are less likely to have formed the strong personal and cultural attachments which bind people to a place and community.

14. For this reason also, it is widely agreed by social policy experts that mobility in the pursuit of economic advancement has to be promoted, not discouraged. People do not move easily or quickly on a large scale, either in response to the promise of wage improvement or welfare grant levels increases. Almost all experts agree, for example, that the flight of new investment and employment to the suburbs and the sunbelt has created a major misallocation of persons and jobs, at least partially accounting for the concentration of urban poverty. Commission appointed by Presidents Carter and Reagan to address the problem of the mismatch of people and economic growth have seen the eventual solution in individual adaptation and mobility. California's new residence requirement, if it is upheld, will have the opposite effect, for it will constitute a reverse magnet, impeding the mobility and adaptation through which the American economy has grown in the past, and the American people have gradually improved their economic condition.

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and

correct. This declaration was executed on January 21, 1993 at New York, New York.

/s/ Frances Fox Piven
Frances Fox Piven

**Appendix A to Brief for Appellees In The
Ninth Circuit (excerpts)**

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DEANNA BENO, et al.,)	No.
Plaintiff,)	CIV-S92-2135 DFL JFM
)	
v.)	<u>POINTS AND</u>
)	<u>AUTHORITIES IN</u>
DONNA SHALALA,)	<u>OPPOSITION TO</u>
Secretary, United States)	<u>PLAINTIFFS' MOTION</u>
Department of Health)	<u>FOR PRELIMINARY</u>
and Human Services,)	<u>INJUNCTION</u>
et al.,)	
)	Date: February 26, 1993
Defendants.)	Time: 10:30 a.m.
_____)	Courtroom: 3

* * *

V

THE WAIVER GRANTED TO CALIFORNIA WAS AN
APPROPRIATE EXERCISE OF THE SECRETARY'S DIS-
CRETION

* * *

California sought the waiver to allow different grant
levels for newly arrived AFDC recipients on the basis
that it would reduce the incentive for families to migrate

to California for the purpose of obtaining higher aid
payments.

* * *

Dated: 2/11/93

Respectfully submitted,

DANIEL E. LUNGREN, Attorney
General of the State of California
DENNIS ECKHART, Supervising
Deputy Attorney General
THEODORE GARELIS
Deputy Attorney General

/s/ Theodore Garelis for
EILEEN GRAY
Deputy Attorney General
